

1 IN THE UNITED STATES COURT

2 NORTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

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5 IN RE: NATIONAL PRESCRIPTION

6 OPIATE LITIGATION

MDL No. 2804

7 Case No. 17-md-2804

8 Judge Dan Polster

9 This document relates to:

10 The County of Summit, Ohio, et al., v.

11 Purdue Pharma L.P., et al.,

12 Case No. 1:18-OP-45090 (N.D. Ohio)

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15
16 VIDEOTAPED DEPOSITION OF MOLLY LECKLER

17 November 19, 2018, at 10:00 a.m.

18 Cleveland, Ohio

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21
22
23 Reported by:

24 Anne E. Vosburgh, CSR-6804

25 Job No. 3113667

<p style="text-align: right;">Page 2</p> <p>1 -oOo-</p> <p>2</p> <p>3 On November 19, 2018, commencing at</p> <p>4 approximately 10:00 a.m., the deposition of</p> <p>5 Molly Leckler, taken by Counsel for the</p> <p>6 Defendants, was held at the offices of Climaco</p> <p>7 Wilcox Peca Tarantino & Garofoli LPA,</p> <p>8 55 Public Square, Suite 1950, Cleveland, Ohio,</p> <p>9 before and stenographically reported by</p> <p>10 Anne E. Vosburgh, Certified Shorthand</p> <p>11 Reporter No. 6804, Registered Professional</p> <p>12 Reporter, Certified Realtime Reporter, and</p> <p>13 Notary Public.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 Appearances, continued:</p> <p>2</p> <p>3 On behalf of Walmart Inc. F/K/A Wal-Mart</p> <p>4 Stores, Inc.:</p> <p>5 Jones Day</p> <p>6 325 John H. McConnell Boulevard, Suite 600</p> <p>7 Columbus, Ohio 43215</p> <p>8 614.281.3618</p> <p>9 By: Casteel E. Borsay, Esq.</p> <p>10 cborsay@jonesday.com</p> <p>11</p> <p>12</p> <p>13 On behalf of CVS Indiana LLC and</p> <p>14 CVS Rx Services Inc.:</p> <p>15 ZUCKERMAN SPAEDER</p> <p>16 1800 M Street NW, Suite 1000</p> <p>17 Washington, DC 20036-5807</p> <p>18 202.778.1823</p> <p>19 By: Anthony Ruiz, Esq.</p> <p>20 aruiz.zuckerman.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of Cuyahoga County and the</p> <p>4 Witness:</p> <p>5 Napoli Shkolnik PLLC</p> <p>6 400 Broadhollow Road, Suite 305</p> <p>7 Melville, NY 11747</p> <p>8 631.224.1133</p> <p>9 By: Salvatore C. Badala, Esq.</p> <p>10 sbadala@napolilaw.com</p> <p>11 By: Hunter J. Shkolnik, Esq.</p> <p>12 hshkolnik@napolilaw.com</p> <p>13 and</p> <p>14 Kaufman & Company LLC</p> <p>15 1001 Lakeside Avenue Suite 1710</p> <p>16 Cleveland, OH 44114</p> <p>17 216.912.5516</p> <p>18 By: Robin M. Wilson, Esq.</p> <p>19 robin.wilson@kaufman-company.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Appearances, continued:</p> <p>2</p> <p>3 On behalf of Endo Health Solutions, Inc.,</p> <p>4 Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc.,</p> <p>5 and Par Pharmaceutical Companies, Inc.,</p> <p>6 (FKA Par Pharmaceutical Holdings, Inc.)</p> <p>7 BAKER HOSTETLER</p> <p>8 601 Massachusetts Ave, N.W.</p> <p>9 Washington, D.C. 20001-3743</p> <p>10 202.942.5150</p> <p>11 By: Carole S. Rendon, Esq.</p> <p>12 crendon@bakerlaw.com</p> <p>13 By: Tera N. Coleman, Esq.</p> <p>14 tcoleman@bakerlaw.com</p> <p>15</p> <p>16 On behalf of Distributor Defendant</p> <p>17 McKesson Corporation, Co-Liaison Counsel</p> <p>18 for the Distributor Defendants:</p> <p>19 Covington & Burling LLP</p> <p>20 One City Center</p> <p>21 850 Tenth Street, NW</p> <p>22 Washington, DC 20001-4956</p> <p>23 202.662.6000</p> <p>24 By: Amber Charles, Esq.</p> <p>25 acharles@cov.com</p>

<p>Page 6</p> <p>1 Appearances, continued: 2 3 On behalf of Prescription Supply, Inc.: 4 Pelini, Campbell & Williams 5 Bretton Commons, Suite 400 6 8040 Cleveland Avenue NW 7 North Canton, Ohio 44720 8 330.305.6400 9 By: Gianna M. Calzola-Helmick, Esq. 10 giannac@pelini-law.com 11 12 13 On behalf of Teva Pharmaceutical 14 Industries Ltd.: 15 Morgan, Lewis, & Bockius, LLC 16 1111 Pennsylvania Ave NW 17 Washington, DC 20004 18 202.739.9000 19 By: Jonathan York (via telephone) 20 21 22 23 24 25</p>	<p>Page 8</p> <p>1 Appearances, continued: 2 3 ALSO PRESENT: 4 Jim Torok, Legal Videographer 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>Page 7</p> <p>1 Appearances, continued: 2 3 On behalf of AmerisourceBergen Drug Corporation: 4 Reed Smith LLP 5 1301 K Street, N.W. 6 Suite 1000 - East Tower 7 Washington, D.C. 20005 8 202.414.9200 9 By: Samantha L. Rocchino, Esq. 10 Sroccchino@reedsmith.com 11 12 On behalf of Cardinal Health: 13 Williams & Connolly 14 725 Twelfth Street, N.W. 15 Washington, D.C. 20005 16 202.434.5421 17 By: Monika Isia Jasiewicz, Esq. 18 ijasiewicz@wc.com 19 20 On behalf of HBC Service Company: 21 Marcus & Shapira LLP 22 One Oxford Centre, 35th Floor 23 Pittsburgh, Pennsylvania 15219 24 By: Elly Heller-Toig 25 ehetoig@marcus-shapira.com</p>	<p>Page 9</p> <p>1 I N D E X 2 3 WITNESS: MOLLY LECKLER 4 5 ----- EXAMINATIONS ----- 6 Examination by Mr. Ruiz 17 7 Examination by Ms. Rendon 248 8 Examination by Ms. Charles 332 9 Examination by Mr. Badala 384 10 Re-Examination by Ms. Rendon 397 11 12 13 14 ----- OCCURRENCES ----- 15 Page Line 16 Standing objection placed 256 17 17 18 19 20 21 22 23 24 25</p>

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<p>1 ----- EXHIBITS -----</p> <p>2 NUMBER DESCRIPTION PAGE</p> <p>3 Exhibit 1 Cuyahoga County Court of Common 34</p> <p>4 Pleas Drug Court Program,</p> <p>5 Participant Handbook, Bates</p> <p>6 CUYAH_011015215 through</p> <p>7 CUYAH_011015216</p> <p>8 Exhibit 2 Drug Court Advisory Board Meeting 128</p> <p>9 Minutes, Bates CUYAH_000117415</p> <p>10 through CUYAH_000117420</p> <p>11 Exhibit 3 Email chain, RE: Cuyahoga County 155</p> <p>12 Enhanced Opiate Dependency</p> <p>13 Services - T1023875, Bates</p> <p>14 CUYAH_002045311 through</p> <p>15 CUYAH_002045312</p> <p>16 Exhibit 4 Email, RE: Next Opiate Task Force 161</p> <p>17 Meeting Tuesday July 22 Cuyahoga</p> <p>18 County Board of Health, Bates</p> <p>19 CUYAH_001621485 to</p> <p>20 CUYAH_001621487</p> <p>21 Exhibit 5 Email chain, Fwd: FY2013 - May 165</p> <p>22 2013 Treatment Expenditure</p> <p>23 Summary Report, Bates</p> <p>24 CLEVE_000367329 through</p> <p>25 CLEVE_000367330</p>	<p>1 (Exhibits, continued.)</p> <p>2</p> <p>3 Exhibit 11 Email chain, "FW: Carfentanil: 218</p> <p>4 Medical Examiner's Public Health</p> <p>5 Warning, Bates CUYAH_001621535</p> <p>6 through CUYAH_001621537</p> <p>7 Exhibit 12 Email, Fentanyl Cut Heroin, Bates 220</p> <p>8 CUYAH_002015681</p> <p>9 Exhibit 13 Email chain, RE: Update from Dr. 228</p> <p>10 Gilson, Bates CUYAH_002048206</p> <p>11 through CUYAH_002048210</p> <p>12 Exhibit 14 Email with article: Elyria man 246</p> <p>13 charged with distribution of</p> <p>14 heroin and fentanyl, including</p> <p>15 fentanyl that caused the death of</p> <p>16 an Elyria resident, Bates</p> <p>17 SUMMIT_00912771 through</p> <p>18 SUMMIT_00912773</p> <p>19 Exhibit 15 Cuyahoga County Common Pleas 256</p> <p>20 Court, Case Information, Bates</p> <p>21 CUYAH_002040381 through</p> <p>22 CUYAH_002040408</p> <p>23 Exhibit 16 Email chain, RE: Drug Court, 274</p> <p>24 Bates CUYAH_010715371 through</p> <p>25 010715372</p>
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<p>1 (Exhibits, continued.)</p> <p>2</p> <p>3 Exhibit 6 Email chain, RE: Meeting about 172</p> <p>4 terminating Drug Court MOU with</p> <p>5 Municipal Court, Bates</p> <p>6 CUYAH_003359808 through</p> <p>7 CUYAH_003359809</p> <p>8 Exhibit 7 Drug Court Advisory Board Meeting 179</p> <p>9 Minutes, November 12, 2015, Bates</p> <p>10 CUYAH_002049703 through</p> <p>11 CUYAH_002049705</p> <p>12 Exhibit 8 Email, Next Task Force Meeting, 194</p> <p>13 Bates CLEVE_000166587</p> <p>14 Exhibit 9 Cuyahoga County Poison Death 200</p> <p>15 Review Committee Meeting Minutes,</p> <p>16 May 28, 2013, Bates</p> <p>17 CUYAH_001432160 through</p> <p>18 CUYAH_001432162</p> <p>19 Exhibit 10 Cuyahoga County Poison Death 208</p> <p>20 Review Committee Meeting Minutes,</p> <p>21 June 25, 2013, Bates Numbers</p> <p>22 CUYAH_001897420 through</p> <p>23 CUYAH_001897422</p> <p>24</p> <p>25</p>	<p>1 (Exhibits, continued.)</p> <p>2</p> <p>3 Exhibit 17 Email chain, Vivitrol Jail Shots, 282</p> <p>4 Bates CUYAH_002051005 through</p> <p>5 CUYAH_002051007</p> <p>6 Exhibit 18 Advisory Board Meeting Minutes, 290</p> <p>7 2/18/16, Bates CUYAH_000117444</p> <p>8 through 000117449</p> <p>9 Exhibit 19 Spreadsheet, native document, 304</p> <p>10 Bates CUYAH_001714460</p> <p>11 Exhibit 20 Site Visit Report, T1025925, June 311</p> <p>12 15 - 17, 2016, Bates</p> <p>13 CUYAH_002040764 through 002040838</p> <p>14 Exhibit 21 Plaintiffs' First Amended 345</p> <p>15 Responses and Objections to</p> <p>16 Distributor Defendants' Third Set</p> <p>17 of Interrogatories</p> <p>18 Exhibit 22 Supplemental Responses and 354</p> <p>19 Objections to Distributor</p> <p>20 Defendants' Interrogatory No. 18</p> <p>21 Pursuant to Special Master</p> <p>22 Cohen's October 23, 2018, Order</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 14</p> <p>1 (Exhibits, continued.)</p> <p>2</p> <p>3 Exhibit 23 Email chain, RE: FY2014 - August 365</p> <p>4 2014 Treatment Expenditure</p> <p>5 Summary Report, Bates</p> <p>6 CUYAH_003352707 through</p> <p>7 CUYAH_003352711</p> <p>8 Exhibit 24 Email with attachment, FY2014 - 372</p> <p>9 October 2014 MAT and COMBINED</p> <p>10 Treatment Expenditure Report,</p> <p>11 Bates CUYAH_002045070 through</p> <p>12 CUYAH_002045080</p> <p>13</p> <p>14 (Exhibits attached.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. CHARLES: Amber Charles of</p> <p>2 Covington & Burling on behalf of</p> <p>3 McKesson Corporation.</p> <p>4 MS. RENDON: Good morning.</p> <p>5 Carole Rendon from Baker Hostetler on</p> <p>6 behalf of the Endo Defendants.</p> <p>7 MS. BORSAY: Casteel Borsay from</p> <p>8 Jones Day on behalf of Walmart.</p> <p>9 MS. COLEMAN: Tera Coleman, Baker</p> <p>10 Hostetler, on behalf of the Endo</p> <p>11 Defendants.</p> <p>12 MS. CALZOLA: Gianna Calzola from</p> <p>13 Pelini, Campbell & Williams, on behalf</p> <p>14 of Prescription Supply Inc.</p> <p>15 THE VIDEOGRAPHER: People on the</p> <p>16 phone?</p> <p>17 MS. HELLER-TOIG: Elly Heller-Toig</p> <p>18 from Marcus & Shapira for HBC Service</p> <p>19 Company.</p> <p>20 MS. JASIEWICZ: This is</p> <p>21 Isia Jasiewicz, from Williams & Connolly</p> <p>22 LLC, on behalf of Cardinal Health.</p> <p>23 MR. YORK: This is Jonathan York</p> <p>24 from Morgan, Lewis & Bockius on behalf</p> <p>25 of Teva.</p>
<p style="text-align: right;">Page 15</p> <p>1 Cleveland, Ohio</p> <p>2 November 19, 2018, 10:00 a.m.</p> <p>3 -----</p> <p>4 PROCEEDINGS</p> <p>5 -----</p> <p>6 THE VIDEOGRAPHER: We are on the</p> <p>7 record. Today's date is November 19th,</p> <p>8 2018. The time is approximately</p> <p>9 10:03 a.m.</p> <p>10 We are here to take the videotaped</p> <p>11 deposition of Molly Leckler in the case</p> <p>12 of National Prescription Opiate</p> <p>13 Litigation, to be heard in the United</p> <p>14 States District Court, Northern District</p> <p>15 of Ohio, Eastern Division, Case No.</p> <p>16 17-MD-2804.</p> <p>17 If counsel will please state their</p> <p>18 appearances for the record.</p> <p>19 MR. BADALA: Salvatore Badala for</p> <p>20 the Plaintiff, Cuyahoga County.</p> <p>21 MS. WILSON: Robin Wilson for the</p> <p>22 Plaintiff, Cuyahoga County.</p> <p>23 MR. RUIZ: Anthony Ruiz from</p> <p>24 Zuckerman Spaeder on behalf of CVS</p> <p>25 Indiana LLC and CVS Rx Services Inc.</p>	<p style="text-align: right;">Page 17</p> <p>1 MS. ROCCHINO: Samantha Rocchino</p> <p>2 from Reed Smith LLP for</p> <p>3 AmerisourceBergen Drug Corporation.</p> <p>4 MOLLY LECKLER,</p> <p>5 having been called as a witness, was</p> <p>6 duly sworn to testify to the truth by</p> <p>7 an authorized notary public and</p> <p>8 testified as follows.</p> <p>9 ---</p> <p>10 EXAMINATION</p> <p>11 BY MR. RUIZ:</p> <p>12 Q. Good morning, Ms. Leckler.</p> <p>13 A. Good morning.</p> <p>14 Q. My name is Anthony Ruiz, and I</p> <p>15 represent CVS Indiana LLC and CVS Rx</p> <p>16 Services, Inc.</p> <p>17 Could you please state and spell</p> <p>18 your name for the record.</p> <p>19 A. Molly Leckler, M-o-l-l-y,</p> <p>20 L-e-c-k-l-e-r.</p> <p>21 Q. And could you also state your</p> <p>22 address?</p> <p>23 A. 9881 Bentley Drive, North</p> <p>24 Royalton, Ohio 44133.</p> <p>25 Q. And you understand that you're</p>

<p style="text-align: right;">Page 18</p> <p>1 testifying under oath today?</p> <p>2 A. I do.</p> <p>3 Q. Okay.</p> <p>4 Your testimony has the same effect</p> <p>5 as if you were testifying under oath in</p> <p>6 court.</p> <p>7 Is there any reason you cannot</p> <p>8 give complete and truthful testimony today?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 And where are you currently</p> <p>12 employed?</p> <p>13 A. I am currently employed with Cuya</p> <p>14 County Court of Common Pleas.</p> <p>15 Q. And what do you do with the Court</p> <p>16 of Common Pleas?</p> <p>17 A. I am the coordinator of the Cuya</p> <p>18 County Drug Court Program and Recovery Court</p> <p>19 program.</p> <p>20 Q. Let's start with the Drug Court</p> <p>21 program. Do you know when it started?</p> <p>22 A. Yes.</p> <p>23 Q. When did it start?</p> <p>24 A. It started in May of 2009.</p> <p>25 Q. And what about the Recovery Court?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Correct.</p> <p>2 Q. And did you start working for the</p> <p>3 County Drug Court program when it started in</p> <p>4 2009?</p> <p>5 A. Correct.</p> <p>6 Q. And before you worked for the</p> <p>7 Cleveland Drug Court in 2006, what did you</p> <p>8 do?</p> <p>9 A. When I worked for Cleveland Drug</p> <p>10 Court?</p> <p>11 Q. Before you worked for Cleveland</p> <p>12 Drug Court.</p> <p>13 A. I was hired with the courts in</p> <p>14 2004. And for two years I worked in bail</p> <p>15 investigation, so I was in the county jail</p> <p>16 every day reviewing eligibility for</p> <p>17 decreasing bonds, interviewing those that</p> <p>18 were a capias, that were about to go for a</p> <p>19 bond hearing, and made recommendations to the</p> <p>20 court.</p> <p>21 Q. Okay.</p> <p>22 Now, I want to talk about the</p> <p>23 Cuyahoga County Drug Court.</p> <p>24 Can you give us a sense of where</p> <p>25 the Drug Court falls in the overall</p>
<p style="text-align: right;">Page 19</p> <p>1 A. The Recovery Court program</p> <p>2 planning started in 2014.</p> <p>3 Q. You said the planning started in</p> <p>4 2014?</p> <p>5 A. Correct.</p> <p>6 Q. And when did it become -- if the</p> <p>7 word is "operational"?</p> <p>8 A. Sure. 2015.</p> <p>9 Q. And when did you first start</p> <p>10 working for the Drug Court?</p> <p>11 A. I started working with Cleveland</p> <p>12 Drug Court in 2006. I reviewed all of the</p> <p>13 felony cases that came across from arrests</p> <p>14 from Cleveland, reviewed those cases for</p> <p>15 eligibility for the Cleveland Drug Court</p> <p>16 program.</p> <p>17 Those cases were then dropped down</p> <p>18 to misdemeanors so they could participate in</p> <p>19 the Cleveland Drug Court program, which is a</p> <p>20 misdemeanor court here in Cuya County.</p> <p>21 And then we started planning to</p> <p>22 expand to add a county program to treat more</p> <p>23 felony cases.</p> <p>24 Q. And the county program started in</p> <p>25 2009?</p>	<p style="text-align: right;">Page 21</p> <p>1 Cuyahoga County court system?</p> <p>2 A. Where we fall in the whole court</p> <p>3 system?</p> <p>4 Q. Yeah. In the -- essentially,</p> <p>5 could you give me a sense of the</p> <p>6 organizational structure?</p> <p>7 A. Sure.</p> <p>8 So the County Drug Court program</p> <p>9 is a certified specialty docket by the</p> <p>10 Ohio Supreme Court that was started to take</p> <p>11 cases F3, F4, and 5, that were</p> <p>12 probation-eligible cases for those that</p> <p>13 suffer from addiction. We have a couple</p> <p>14 different tracks in that program.</p> <p>15 We have a diversionary track and</p> <p>16 we have a non-diversionary track. A</p> <p>17 diversionary track means that those only have</p> <p>18 one prior felony conviction, and they're</p> <p>19 eligible for diversion when they successfully</p> <p>20 complete the program.</p> <p>21 Our non-diversionary track</p> <p>22 defendants are those that have more than one,</p> <p>23 but three or less prior felony convictions.</p> <p>24 And they still get all of the benefits of the</p> <p>25 services in Drug Court, however their cases</p>

<p style="text-align: right;">Page 22</p> <p>1 are not expunged when they complete the</p> <p>2 program.</p> <p>3 So we are under, you know, the</p> <p>4 Common Pleas, however, we are a specialty</p> <p>5 docket, one of three. I oversee two</p> <p>6 specialty dockets with the court.</p> <p>7 Q. So what does that mean exactly?</p> <p>8 What is a specialty docket?</p> <p>9 A. So a specialty docket follows the</p> <p>10 ten key components for Drug Court standards.</p> <p>11 We operate a lot different than the regular</p> <p>12 courtrooms in the Common Pleas Court.</p> <p>13 We have a team. And part of that</p> <p>14 team is the coordinator, the judge, the</p> <p>15 prosecutor, the public defender, case</p> <p>16 managers, and probation officers.</p> <p>17 So we have to be certified through</p> <p>18 the Ohio Supreme Court to operate, and we</p> <p>19 applied for certification. We applied for</p> <p>20 re-certification, I believe, last year, and</p> <p>21 were awarded. So it's just very different</p> <p>22 than the regular case process for felony</p> <p>23 cases.</p> <p>24 Q. And you just said that you were</p> <p>25 awarded re-certification last year?</p>	<p style="text-align: right;">Page 24</p> <p>1 Supreme Court for certification and</p> <p>2 re-certification?</p> <p>3 A. I submit numerous documentations,</p> <p>4 one being a participation agreement, another</p> <p>5 being a participation handbook, another being</p> <p>6 a program description.</p> <p>7 I also submit a documentation of</p> <p>8 the list of our advisory board, staff</p> <p>9 members, and there's a lot of local rules as</p> <p>10 well. There's a lot of back and forth.</p> <p>11 When they have new standards, you</p> <p>12 have to change those documentations. Once</p> <p>13 those documentations are approved, then they</p> <p>14 set up a site visit.</p> <p>15 A site visit, it's -- the Supreme</p> <p>16 Court comes out to your court. They observe</p> <p>17 your staffing. They observe your docket</p> <p>18 hearings to make sure that you're following</p> <p>19 the model.</p> <p>20 And then your court is recommended</p> <p>21 in front of the committee. And they then</p> <p>22 either award your certification or do not.</p> <p>23 Q. Do you know what criteria are used</p> <p>24 to determine whether you're certified or</p> <p>25 recertified?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Correct.</p> <p>2 Q. Prior to last year, when was the</p> <p>3 last time that you were certified?</p> <p>4 A. Three years prior. It typically</p> <p>5 lasts three years, however, Recovery Court</p> <p>6 has been recertified within those three-years</p> <p>7 time because it was newer court. So they</p> <p>8 wanted to re-review, which is just kind of</p> <p>9 their standard procedure.</p> <p>10 Q. And had it been certified in --</p> <p>11 2018, so 2015 --</p> <p>12 A. Correct.</p> <p>13 Q. -- right around?</p> <p>14 A. Yeah, it was around there.</p> <p>15 Q. And then was it certified before</p> <p>16 2015?</p> <p>17 A. No. It was a new certification</p> <p>18 process the Ohio Supreme Court developed.</p> <p>19 Q. Okay.</p> <p>20 A. I think they did that just to make</p> <p>21 sure that -- adhere that most of the</p> <p>22 specialty dockets were following a model.</p> <p>23 Q. Okay.</p> <p>24 And what is that -- strike that.</p> <p>25 What do you submit to the Ohio</p>	<p style="text-align: right;">Page 25</p> <p>1 A. There's a list of standards.</p> <p>2 Q. Okay.</p> <p>3 And do you know what those are?</p> <p>4 A. I do not know them all by memory.</p> <p>5 However, they're easily accessible by the</p> <p>6 web.</p> <p>7 Q. And you mentioned earlier that the</p> <p>8 Drug Court is assessed against a model. What</p> <p>9 is -- what's that model that you're</p> <p>10 mentioning?</p> <p>11 A. Okay. So there's a lot of</p> <p>12 different things, having a team, having a</p> <p>13 non-adversarial approach, having immediate</p> <p>14 and graduated sanctions, having the judge</p> <p>15 lead that team.</p> <p>16 Q. Is that model -- is there a model</p> <p>17 Drug Court, or is there a model document out</p> <p>18 there that describes -- that you're referring</p> <p>19 to as the model --</p> <p>20 A. Sure.</p> <p>21 Q. -- against which drug courts are</p> <p>22 evaluated?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 BY MR. RUIZ:</p> <p>25 Q. You can answer.</p>

<p style="text-align: right;">Page 26</p> <p>1 A. Sure.</p> <p>2 There is SAMSHA, which --</p> <p>3 Substance Abuse Mental Health Agencies, which</p> <p>4 is a federal entity agency that puts out the</p> <p>5 standards that they prefer that the rest of</p> <p>6 the country follow.</p> <p>7 Q. And what is SAMSHA?</p> <p>8 A. Substance Abuse Mental Health</p> <p>9 Agencies.</p> <p>10 Q. Is that a federal agency?</p> <p>11 A. Correct.</p> <p>12 Q. Now, let's talk specifically about</p> <p>13 the Cuyahoga Drug Court that you worked at.</p> <p>14 Walk me through how you get -- I'm</p> <p>15 not sure what the word -- would you use</p> <p>16 clients, patients? What's the word that you</p> <p>17 would use?</p> <p>18 A. I typically use clients.</p> <p>19 Q. Could you walk me through how you</p> <p>20 get clients for the Drug Court?</p> <p>21 A. We receive clients numerous ways.</p> <p>22 It could be someone that is already on</p> <p>23 community-controlled supervision or</p> <p>24 probation. It could be when a judge reviews</p> <p>25 a presentence investigation. It could be</p>	<p style="text-align: right;">Page 28</p> <p>1 with a different department?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: Okay.</p> <p>5 He is employed by the Cuya</p> <p>6 County's prosecutor's office.</p> <p>7 BY MR. RUIZ:</p> <p>8 Q. And just so that you know,</p> <p>9 throughout the deposition, your counsel may</p> <p>10 object to some of my questions. Unless he</p> <p>11 directs you not to answer, you can go ahead</p> <p>12 and answer.</p> <p>13 A. Understood.</p> <p>14 Q. So when the prosecutor is</p> <p>15 evaluating cases to refer to Drug Court, do</p> <p>16 you know what criteria the prosecutor is</p> <p>17 using?</p> <p>18 A. Yes. We have a local rule.</p> <p>19 Q. And can you tell me what criteria</p> <p>20 the prosecutor uses?</p> <p>21 A. So non-violent, non-sexual cases,</p> <p>22 F3s, F4s, F5s that are probational.</p> <p>23 Q. So he -- the prosecutor, or</p> <p>24 whoever else is referring the case to you, is</p> <p>25 doing that initial screening?</p>
<p style="text-align: right;">Page 27</p> <p>1 when the case is initially being charged for</p> <p>2 the prosecutor's office, or it could also be</p> <p>3 defense counsel or public defender.</p> <p>4 I have received cases where loved</p> <p>5 once have called and asked if I could review</p> <p>6 their loved one's case for eligibility.</p> <p>7 Q. Is there one way in which more</p> <p>8 cases are referred than others?</p> <p>9 A. I do not know the exact number,</p> <p>10 but I would estimate that a majority of the</p> <p>11 cases are actually referred by the</p> <p>12 prosecutor's office.</p> <p>13 Q. And what do you know about the</p> <p>14 referral process within the prosecutor's</p> <p>15 office?</p> <p>16 A. I have a prosecutor right on our</p> <p>17 team, so he reviews all the cases that come</p> <p>18 across that are initially charged either from</p> <p>19 suburban or from the Cleveland cases.</p> <p>20 So he's able to review all those</p> <p>21 cases and really kind of see if initially</p> <p>22 looking at a case, that a -- someone may be</p> <p>23 eligible for Drug Court.</p> <p>24 Q. And the prosecutor is -- is he</p> <p>25 employed with the Court of Common Pleas or</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 And is that based -- well, let me</p> <p>4 strike that.</p> <p>5 After that is referred -- after</p> <p>6 this person is referred to you, what happens</p> <p>7 next?</p> <p>8 A. What happens next is I assign a</p> <p>9 probation officer to do an eligibility</p> <p>10 review.</p> <p>11 Q. Okay.</p> <p>12 So what does that entail?</p> <p>13 A. That entails running a CCH to make</p> <p>14 sure that they have three or less prior</p> <p>15 felony convictions.</p> <p>16 It entails the probation officer</p> <p>17 either going into the jail to interview the</p> <p>18 clients, or having them report to the office</p> <p>19 if they are out on bail.</p> <p>20 That probation officer goes</p> <p>21 through numerous questions, sees, you know,</p> <p>22 where the client is at, maybe quickly looks</p> <p>23 at some immediate needs.</p> <p>24 That probation officer then refers</p> <p>25 for a drug and alcohol assessment.</p>

<p style="text-align: right;">Page 30</p> <p>1 And then after the assessment, the</p> <p>2 probation officer goes back and is</p> <p>3 consistently involved in seeing the client,</p> <p>4 reviews with them what a potential case plan</p> <p>5 will look like, and then has that client sign</p> <p>6 the participation agreement.</p> <p>7 Q. Okay.</p> <p>8 A. That probation officer will then</p> <p>9 contact me and let me know when a case is</p> <p>10 ready to go forward. Or if they deny the</p> <p>11 program or if they are not eligible, that</p> <p>12 probation officer will then write a status to</p> <p>13 the current assigned judge to let them know</p> <p>14 what the end result is.</p> <p>15 Q. I believe you used an acronym in</p> <p>16 part of that answer, a CCH?</p> <p>17 A. Correct.</p> <p>18 Q. What is that?</p> <p>19 A. It's basically like a background</p> <p>20 check, criminal background check.</p> <p>21 Q. And next you said that you assign</p> <p>22 a probation officer to interview the client,</p> <p>23 either in jail or if they're out on bail,</p> <p>24 wherever they are.</p> <p>25 What does that interview entail?</p>	<p style="text-align: right;">Page 32</p> <p>1 THE WITNESS: So, basically, it's</p> <p>2 very important to understand -- meet the</p> <p>3 client where they're at currently.</p> <p>4 So if they've had previous</p> <p>5 treatment episodes, or if this is the</p> <p>6 first time they've ever been arrested,</p> <p>7 or their first time maybe trying to get</p> <p>8 sober -- maybe it's their first attempt</p> <p>9 wanting to get sober, or maybe it could</p> <p>10 be that they've tried numerous times.</p> <p>11 So it's very important to develop</p> <p>12 that initial relationship because that</p> <p>13 probation officer then supervises that</p> <p>14 person for the next, at a minimum, 12</p> <p>15 months.</p> <p>16 BY MR. RUIZ:</p> <p>17 Q. Okay.</p> <p>18 And you said that next the</p> <p>19 probation officer will refer the client for</p> <p>20 drug and alcohol assessment?</p> <p>21 A. Correct.</p> <p>22 Q. And what does that entail?</p> <p>23 A. So the drug and alcohol assessment</p> <p>24 determines what the client is using and also</p> <p>25 what the recommended level of care is.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. The interview entails the</p> <p>2 beginning of developments of a relationship,</p> <p>3 basically explains to them, you know, what we</p> <p>4 are, what the Drug Court program is. Starts</p> <p>5 about -- like, you know, what led you here?</p> <p>6 What led to you being arrested?</p> <p>7 Q. And is that history given solely</p> <p>8 by the client, or are there other people that</p> <p>9 are interviewed?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 BY MR. RUIZ:</p> <p>12 Q. You can answer.</p> <p>13 A. So sometimes it can be just the</p> <p>14 client. If they already are involved in any</p> <p>15 treatment agencies, the probation officer may</p> <p>16 have them sign a release so that we can</p> <p>17 obtain other information so that we can work</p> <p>18 collaboratively.</p> <p>19 Q. And part of what you said is that</p> <p>20 they are -- the probation officer is asking</p> <p>21 what led you here; what led you to being</p> <p>22 arrested.</p> <p>23 What's the purpose of gathering</p> <p>24 that information?</p> <p>25 MR. BADALA: Objection to form.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Okay.</p> <p>2 And who does the actual</p> <p>3 assessment?</p> <p>4 A. Treatment Alternative Street</p> <p>5 Crime, which is the case management agency</p> <p>6 that services the court.</p> <p>7 Q. And is that sometimes referred to</p> <p>8 as TASC?</p> <p>9 A. Correct.</p> <p>10 Q. And is TASC a part of the Cuyahoga</p> <p>11 Court of Common Pleas?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 BY MR. RUIZ:</p> <p>14 Q. If you know.</p> <p>15 A. Yes. They work under the</p> <p>16 Corrections Planning Board, which is under</p> <p>17 the umbrella of the courts.</p> <p>18 Q. And so they are court employees?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And if you know --</p> <p>21 (Interruption in proceedings.)</p> <p>22 THE REPORTER: Can we take a quick</p> <p>23 break?</p> <p>24 MR. RUIZ: Sure.</p> <p>25 THE VIDEOGRAPHER: We are off the</p>

<p style="text-align: right;">Page 34</p> <p>1 record, 10:23. 2 (Recess taken.) 3 THE VIDEOGRAPHER: We're back on 4 the record, 10:35. 5 Back off the record, 10:36. 6 (Pause.) 7 THE VIDEOGRAPHER: We're back on 8 the record, 10:42. 9 (Recess taken.) 10 THE VIDEOGRAPHER: We're back on 11 the record, 10:35. 12 Back off the record, 10:36. 13 (Pause.) 14 THE VIDEOGRAPHER: We're back on 15 the record, 10:42. 16 BY MR. RUIZ: 17 Q. Hi, Ms. Leckler. 18 A. Hello. 19 Q. I would like to show you what's 20 been marked as Leckler Exhibit 1, Bates 21 Number CUYAH_011015215. 22 (Cuyahoga County Court of Common 23 Pleas Drug Court Program, 24 Participant Handbook, Bates 25 CUYAH_011015215 through</p>	<p style="text-align: right;">Page 36</p> <p>1 Do you see that? 2 A. Yes. 3 Q. And this is the eligibility for 4 the entry into the Cuyahoga County Drug Court 5 program? 6 A. Yes. 7 Q. And it says that the Cuyahoga 8 County Drug Court program is a voluntary 9 program for those who want to change the 10 cycle of addiction. 11 So when a client is referred to 12 the Drug Court by the prosecutor or defense 13 counsel, or however they get to you, have 14 they expressed a willingness to be a part of 15 the Drug Court program before that referral 16 or is that evaluated later? 17 MR. BADALA: Objection to form. 18 THE WITNESS: Sometimes. 19 BY MR. RUIZ: 20 Q. Sometimes it's before? 21 A. Sometimes, but I'm not there, so I 22 can't say absolutely. 23 Q. Well, let's look at the next page, 24 which ends at 217. And near the top, the 25 second bullet there says:</p>
<p style="text-align: right;">Page 35</p> <p>1 CUYAH_011015216, marked as 2 Deposition Exhibit 1.) 3 BY MR. RUIZ: 4 Q. You can take a minute to look 5 through it, if you would like. 6 A. Okay. 7 Q. Do you recognize this document? 8 A. Yes. 9 Q. And what is this document? 10 A. This document is the participation 11 handbook. So it is given to the client when 12 we review them for eligibility for Drug 13 Court. 14 Q. And is this the handbook that you 15 would submit as part of the certification 16 process with the Ohio Supreme Court? 17 A. That is correct. 18 Q. Okay. 19 If you could look, at the bottom 20 right-hand corner are what are called Bates 21 numbers of the document. If you look at the 22 page ending in 217. 23 And, actually, if you look at the 24 page before that, it says -- about two-thirds 25 of the way down, it says "Eligibility."</p>	<p style="text-align: right;">Page 37</p> <p>1 "Eligibility reviews are a 2 two-part process, a record check, and 3 then, if eligible, a TASC assessment 4 to determine drug dependence." 5 Do you see that? 6 A. Yes. 7 Q. And the record check is the CCH 8 check that you mentioned earlier? 9 A. Correct. 10 Q. And then the TASC assessment is 11 the second part that we were talking about 12 just before the break; is that right? 13 A. Correct. 14 Q. And what do you know about -- what 15 does that drug dependence assessment entail? 16 A. It entails history of drug use and 17 family history. It entails a DSM diagnosis, 18 as stated here. It entails current physical 19 health needs. 20 It entails children, how many 21 children someone has. It entails if they 22 have a GED or high school diploma. It 23 entails how many treatment episodes they've 24 had previously. 25 Q. And is all of that information</p>

<p style="text-align: right;">Page 38</p> <p>1 gathered from the client themselves?</p> <p>2 A. Mostly. It also entails other --</p> <p>3 for example, like I said before, if somebody</p> <p>4 is currently involved in a treatment agency,</p> <p>5 that client will sign a release of</p> <p>6 information and the assessor will then obtain</p> <p>7 information from that agency, whether it be</p> <p>8 substance abuse or mental health.</p> <p>9 Q. Okay.</p> <p>10 And you said one of the things</p> <p>11 that is assessed is history of drug use; is</p> <p>12 that right?</p> <p>13 A. That is correct.</p> <p>14 Q. And is there a time period for</p> <p>15 which you're gathering information? Is it</p> <p>16 drug use in the last three years, five years?</p> <p>17 Or is it as far back as --</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: It's a lifetime.</p> <p>20 BY MR. RUIZ:</p> <p>21 Q. And is that provided by the</p> <p>22 client?</p> <p>23 A. Yes.</p> <p>24 Q. And is anything done to verify</p> <p>25 that information that is provided by the</p>	<p style="text-align: right;">Page 40</p> <p>1 drug-dependent individuals, those</p> <p>2 meeting criteria from the DSM-IV for</p> <p>3 drug dependence and is not</p> <p>4 appropriate for those merely abusing</p> <p>5 drugs."</p> <p>6 A. Yes.</p> <p>7 Q. To your knowledge, what's the</p> <p>8 difference between someone who is drug</p> <p>9 dependent and someone who is merely abusing</p> <p>10 drugs?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: I am not a licensed</p> <p>13 independent social worker so therefore I</p> <p>14 cannot make particular diagnoses in an</p> <p>15 individual, if that makes sense.</p> <p>16 BY MR. RUIZ:</p> <p>17 Q. I totally get that, but if you</p> <p>18 have an understanding, what's the difference</p> <p>19 between someone who is drug dependent and</p> <p>20 someone who abuses drugs?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: So this</p> <p>23 participation agreement is also done for</p> <p>24 the previous version of the DSM</p> <p>25 diagnoses, so they clinically do not use</p>
<p style="text-align: right;">Page 39</p> <p>1 client?</p> <p>2 A. The only thing that's verified by</p> <p>3 the client is if they are out on bail, there</p> <p>4 could be some drug tests on record.</p> <p>5 Q. Okay.</p> <p>6 And what level of detail, if you</p> <p>7 know, is gathered about prior drug use?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: How they started,</p> <p>10 how much their current use is, if they</p> <p>11 needed to use more to get the same high,</p> <p>12 what form they use, how they use.</p> <p>13 BY MR. RUIZ:</p> <p>14 Q. What do you mean by "what form</p> <p>15 they use"?</p> <p>16 A. If they use pills, they snort</p> <p>17 pills, or if they inject pills.</p> <p>18 Q. Is any effort made to determine</p> <p>19 how they acquire drugs?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. Turning back to the document, that</p> <p>24 same second bullet near the top says:</p> <p>25 "Drug Court is set up to treat</p>	<p style="text-align: right;">Page 41</p> <p>1 "drug dependent" any longer. It is now</p> <p>2 referred to as mild, moderate, and</p> <p>3 severe diagnoses.</p> <p>4 So we wouldn't use that</p> <p>5 terminology any longer. We do, however,</p> <p>6 look at cases that are moderate and</p> <p>7 severe diagnoses because it's a very</p> <p>8 strict program and it's designed to</p> <p>9 treat those that have a significant</p> <p>10 problem with pills.</p> <p>11 BY MR. RUIZ:</p> <p>12 Q. So if you -- I'm hearing you</p> <p>13 right, someone who has a mild diagnosis is</p> <p>14 ineligible for Drug Court?</p> <p>15 A. That is correct. I work for a</p> <p>16 court that has other diversionary programs,</p> <p>17 so we will at times request to the court that</p> <p>18 they review the case for eligibility for</p> <p>19 those other programs that are more designed,</p> <p>20 less intense.</p> <p>21 Q. And to your knowledge, is it</p> <p>22 possible for individuals to use drugs without</p> <p>23 developing any kind of use disorder?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I don't know.</p>

<p style="text-align: right;">Page 42</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. The employees at TASC who do the</p> <p>3 drug-dependence assessment, what occupation</p> <p>4 are they?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 BY MR. RUIZ:</p> <p>7 Q. If you know.</p> <p>8 A. What occupation?</p> <p>9 Q. Are they social workers? Are they</p> <p>10 doctors? Are they something else?</p> <p>11 A. They are social workers, and</p> <p>12 there's different levels.</p> <p>13 Q. And what are those different</p> <p>14 levels?</p> <p>15 A. So you have a licensed social</p> <p>16 worker, and you have those that also have</p> <p>17 obtained a chemical dependence lead</p> <p>18 counselor's license, and then you have those</p> <p>19 that have an independent license, and those</p> <p>20 are the individuals that can make clinical</p> <p>21 recommendations per the DSM Manual.</p> <p>22 So, for example, if someone that</p> <p>23 works for TASC that is just a licensed social</p> <p>24 worker goes in and does an assessment, that</p> <p>25 assessment has to be signed off by an</p>	<p style="text-align: right;">Page 44</p> <p>1 do on your end?</p> <p>2 A. So every case needs to be</p> <p>3 administratively transferred over to the</p> <p>4 specialty docket judge. So, therefore, I</p> <p>5 would request to the administrative and</p> <p>6 presiding judge that the case has been</p> <p>7 reviewed, deemed eligible, and request that</p> <p>8 it be transferred to the specialty docket</p> <p>9 judge.</p> <p>10 Q. And who is the -- talking just for</p> <p>11 Drug Court, the specialty docket judge is</p> <p>12 Judge Matia? Is that how you say his name?</p> <p>13 A. It's actually Judge David T.</p> <p>14 Matia.</p> <p>15 Q. Matia. Thank you.</p> <p>16 A. Yes. People do that often.</p> <p>17 Q. I will try to keep that straight</p> <p>18 throughout the day.</p> <p>19 And everything that we've talked</p> <p>20 about so far, is that process the same for</p> <p>21 the Recovery Court?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay.</p> <p>24 And which judge oversees the</p> <p>25 Recovery Court?</p>
<p style="text-align: right;">Page 43</p> <p>1 independent licensed individual in order to</p> <p>2 make recommendations in the state of Ohio.</p> <p>3 Q. So we've talked about the referral</p> <p>4 process. After the referral, there's a</p> <p>5 screening for background and drug dependence;</p> <p>6 is that right?</p> <p>7 A. There's a screening. The second</p> <p>8 part is now -- not dependence, like we said.</p> <p>9 Now it's to determine the level of substance</p> <p>10 use.</p> <p>11 Q. Right. Okay.</p> <p>12 What happens after those -- after</p> <p>13 the assessment and the initial screening?</p> <p>14 A. Like I stated before, the</p> <p>15 probation officer will then go over what a</p> <p>16 potential case plan will look like, and they</p> <p>17 will have the client sign a participation</p> <p>18 agreement to make sure that they understand</p> <p>19 what the rules of the Drug Court program will</p> <p>20 be.</p> <p>21 And then they will email me to say</p> <p>22 this case is ready to go forward. And then I</p> <p>23 will do what I need to do on my end to get</p> <p>24 the case ready.</p> <p>25 Q. And what's that? What would you</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Judge Joan Synenberg.</p> <p>2 Q. And is there a -- after you have</p> <p>3 transferred the docket, is there anything</p> <p>4 else that happens before formal acceptance</p> <p>5 into the program?</p> <p>6 A. At times, there could be some more</p> <p>7 discussion with the defense counsel. They</p> <p>8 are informed when the case has been deemed</p> <p>9 eligible. And then I put them on the next</p> <p>10 scheduled docket that we have scheduled. And</p> <p>11 we typically have three dockets a month, both</p> <p>12 in the morning and the afternoon.</p> <p>13 And then on Recovery Court side,</p> <p>14 same deal, three dockets a month, just in the</p> <p>15 morning time. So that entails me then going</p> <p>16 and obtaining the criminal file from the</p> <p>17 current assigned judge, and then just some</p> <p>18 paperwork.</p> <p>19 Q. And when you say there are three</p> <p>20 dockets a month, that's -- there are three</p> <p>21 essentially hearing dates?</p> <p>22 A. Correct.</p> <p>23 Q. And what goes on at those</p> <p>24 hearings?</p> <p>25 A. There's a lot that goes on in</p>

<p style="text-align: right;">Page 46</p> <p>1 those hearings. So they're called status 2 review hearings. And, on average, we see 3 about 30 cases per docket session. 4 We have cases that will go in 5 front of the judge for just a compliance 6 hearing, meaning that the client is doing 7 very well. They are going to their meetings, 8 they're going to treatment, they're testing 9 negative, they are participating. 10 So part of the standards is that 11 the judge have that one-on-one interaction 12 with the client, an average of three minutes. 13 And we have violation hearings. So, 14 therefore, you would have some clients that 15 tested positive, failed to show, failed to go 16 to group. And then we also, in that session, 17 we have cases that will be formally accepted 18 into the program. 19 So, depending on where the case 20 process is, they could plead and be 21 sentenced. We could just welcome them into 22 the program if they're already on community 23 control supervision. So a lot of things. 24 Q. And who determines whether a 25 client will be formally accepted into the</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Do you know what portion of Drug 2 Court participants are -- enter the program 3 pre-plea versus post plea? 4 A. I do not have the exact number. I 5 would say majority. 6 Q. Do you think it's more than 7 75 percent? 8 MR. BADALA: Objection to form. 9 THE WITNESS: I don't know the 10 number. I'm sorry. 11 BY MR. RUIZ: 12 Q. Okay. 13 If you turn to the page that has 14 Bates Number 218 at the bottom, under 15 "Supervision and treatment requirements," it 16 lists a number of requirements in bullet form 17 there. 18 And one of them is -- it's about 19 three-quarters of the way down the bullets on 20 the page. And it says that Drug Court 21 participants are required to pay court fines, 22 restitution, if applicable, and supervision 23 fees. 24 Do you see that? 25 A. Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 Drug Court program? 2 A. So the judge has the final 3 discretion to accept or deny a case. 4 Q. And once a client is accepted into 5 the program, is there an initial court 6 hearing that happens? 7 A. Yes. 8 Q. And you talked a little bit about 9 what goes on generally at the docket 10 hearings. But for someone who -- this is 11 their first time into the program, they've 12 just been admitted, what goes on at that 13 first status hearing? 14 A. So like I said, it depends on 15 where their case process is, if it's pre-plea 16 or post disposition. So if it's pre-plea, 17 then they will plead to the case and they 18 will be sentenced. And if they are already 19 on community control supervision, depending 20 on if the previous court held them in 21 violation, if they're referred to the program 22 at a violation. 23 So it just depends on what 24 happened prior, what exactly the criminal 25 proceedings would look like.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Okay. 2 And how are the court fines -- are 3 the court fines set by statute or rule? 4 MR. BADALA: Objection to form. 5 THE WITNESS: It depends. Most of 6 the court fines are what happened prior 7 to their case coming to us. 8 BY MR. RUIZ: 9 Q. So they don't continue to accrue 10 court fines or fees? 11 A. No. And the great thing about 12 Drug Court is as long as you are doing what 13 you're supposed to and you're in what we call 14 the honor box, meaning doing well, you get to 15 sit like where a jury would sit in a 16 courtroom. They receive an incentive in the 17 sense that we deduct \$20 off their court 18 costs. And that's a way for us to provide 19 more incentive to stay on the right track. 20 Q. And what about restitution? Is 21 that restitution that is ordered as part of 22 their -- the disposition of the case? 23 MR. BADALA: Objection to form. 24 THE WITNESS: Restitution is 25 determined by the prosecutor. The</p>

<p style="text-align: right;">Page 50</p> <p>1 client is aware of that, and that's</p> <p>2 something that defense counsel discusses</p> <p>3 with the client.</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. Do you have any knowledge of to</p> <p>6 whom that restitution is paid?</p> <p>7 A. It's always stated on the record.</p> <p>8 And it's in the journal entry.</p> <p>9 Q. Does restitution ever get paid to</p> <p>10 the court?</p> <p>11 A. The restitution gets paid to --</p> <p>12 they submit their restitution to the</p> <p>13 probation department, which is underneath the</p> <p>14 court, and then is then provided to the</p> <p>15 victim.</p> <p>16 Q. In the -- in the case in which</p> <p>17 someone is arrested for a drug crime, do you</p> <p>18 know if there's ever an instance in which</p> <p>19 someone is ordered to pay restitution to the</p> <p>20 court system or to the Drug Court program?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I don't know.</p> <p>23 Typically drug cases do not have</p> <p>24 restitution. Those are theft and</p> <p>25 robbery cases.</p>	<p style="text-align: right;">Page 52</p> <p>1 aggregated form?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. Do you have any idea what the</p> <p>6 average court costs are per person?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I don't know. I</p> <p>9 know that majority of cases do not have</p> <p>10 much court costs when they graduate.</p> <p>11 BY MR. RUIZ:</p> <p>12 Q. And is there a maximum deduction</p> <p>13 that they can achieve?</p> <p>14 A. Is there a maximum deduction that</p> <p>15 they can attain, meaning like is there -- do</p> <p>16 we like only allow them \$100 maximum to get</p> <p>17 deducted?</p> <p>18 Q. Right.</p> <p>19 A. No.</p> <p>20 Q. So they can go all the way to</p> <p>21 zero?</p> <p>22 A. That is correct.</p> <p>23 Q. As a client is going through the</p> <p>24 process and has a background check done, a</p> <p>25 drug-dependence assessment, or -- I'm sorry.</p>
<p style="text-align: right;">Page 51</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. Okay.</p> <p>3 And you said that for clients that</p> <p>4 are in the honor box, they get \$20 off their</p> <p>5 court costs?</p> <p>6 A. That is correct.</p> <p>7 Q. How often does -- assuming that</p> <p>8 the client is -- stays in the honor box, how</p> <p>9 often is the \$20 deducted?</p> <p>10 A. Every time they're in court. So</p> <p>11 it depends on what phase they're in.</p> <p>12 Q. Because during different phases,</p> <p>13 they might be coming to court more often or</p> <p>14 less often?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: That is correct.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. And earlier I asked you about the</p> <p>19 number of participants that enter the program</p> <p>20 pre-plea versus post plea. Is that recorded</p> <p>21 anywhere?</p> <p>22 A. It's in our criminal dockets. So,</p> <p>23 yes.</p> <p>24 Q. Is there any way -- is there</p> <p>25 anywhere where that information is kept in an</p>	<p style="text-align: right;">Page 53</p> <p>1 What is it called now instead of a</p> <p>2 drug-dependence assessment?</p> <p>3 A. They just don't use the word</p> <p>4 "dependence." They use diagnoses. So either</p> <p>5 mild, moderate, or severe.</p> <p>6 Q. So a drug diagnosis assessment, is</p> <p>7 that information -- where is that information</p> <p>8 kept?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: The information or</p> <p>11 the assessment?</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. If I wanted to look at a record of</p> <p>14 the assessment for a Drug Court client, where</p> <p>15 would I go to find it?</p> <p>16 A. You would not be able to.</p> <p>17 Q. Why not?</p> <p>18 A. Because of HIPAA.</p> <p>19 Q. So assuming HIPAA was not an</p> <p>20 issue, where would you go to find that</p> <p>21 document?</p> <p>22 A. You would have to go to the TASC</p> <p>23 department who did the assessment.</p> <p>24 Q. And so you don't have a copy of</p> <p>25 that, as Drug Court coordinator, in your</p>

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1 files anywhere?

2 A. Absolutely.

3 Q. I'm sorry. Absolutely you do or

4 you do not?

5 A. Absolutely I do.

6 Q. Okay.

7 So you have access to that file as

8 well?

9 A. Absolutely.

10 Q. And for any given client, what

11 other information are you keeping -- either

12 electronically or in hard copy -- about that

13 patient throughout the program?

14 MR. BADALA: Objection to form.

15 THE WITNESS: What kind of

16 information am I keeping document-wise?

17 BY MR. RUIZ:

18 Q. Yes.

19 A. Progress reports, progress reports

20 given by the case manager, progress reports

21 given by the probation officer, record of

22 drug tests, releases of information, maybe a

23 mental health assessment if they need mental

24 health linkage.

25 Q. And do you keep that information

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1 after a client has graduated from the

2 program?

3 A. Yes.

4 Q. And how long do you keep that

5 information?

6 A. Forever.

7 Q. So you haven't destroyed or

8 deleted files of clients that have graduated

9 from the program?

10 MR. BADALA: Objection, form.

11 THE WITNESS: No.

12 BY MR. RUIZ:

13 Q. At some point a treatment plan is

14 created for the client; is that right?

15 A. That is correct.

16 Q. And how is that created?

17 A. A treatment plan is created by the

18 case manager. And treatment plans are

19 created with the client.

20 Q. And the case manager is the TASC

21 case manager; is that right?

22 A. Correct.

23 Q. And how many different TASC case

24 managers are there?

25 A. Which docket?

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1 Q. Let's start with Drug Court.

2 A. Okay. So in Drug Court, in our

3 morning docket, we have two case managers.

4 In the afternoon docket, we have one.

5 Q. And how many clients do they

6 manage at a given time?

7 A. They manage about 40 cases at any

8 given time.

9 Q. Okay.

10 A. Our afternoon docket generally is

11 a little bit -- a little bit more of a

12 strenuous -- they have a little bit more

13 cases. That's all opiate abuse cases.

14 Q. And the -- so it's three separate

15 people, the three case managers?

16 A. That is correct.

17 Q. Switching over to the Recovery

18 Court, how many case managers are there?

19 A. We have two.

20 Q. And how many clients do each of

21 those case managers serve?

22 A. Those also have about 40 cases

23 each.

24 Q. Now, in terms of the treatment

25 plan -- what are the different treatment

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1 options that the Drug Court program offers?

2 A. Do you mean like level of

3 treatment, like where they go for treatment,

4 like residential or IOP, which is intensive

5 outpatient treatment, and then there would be

6 non-intensive outpatient treatment.

7 Q. Well, let me back up, actually.

8 When a treatment plan is

9 developed, what is part of that plan?

10 MR. BADALA: Objection, form.

11 THE WITNESS: Part of that plan is

12 what form of treatment they're going to

13 start.

14 BY MR. RUIZ:

15 Q. What do you mean by that?

16 A. So there's different levels of

17 treatment. So one could go into residential

18 treatment, one could go into intensive

19 outpatient treatment, and one could go into

20 outpatient treatment. So that would be a

21 part of the case plan.

22 Q. Okay.

23 A. Also, any other needs that need to

24 be addressed, anywhere from going to take,

25 you know, HIV testing to linkage with mental

<p style="text-align: right;">Page 58</p> <p>1 health counseling. So there's a lot of</p> <p>2 services that is -- that a client may</p> <p>3 participate in, and it changes as different</p> <p>4 goals are met.</p> <p>5 Q. And for the different treatment</p> <p>6 options that you have, how do those get</p> <p>7 fulfilled? Do you have contracts with</p> <p>8 providers, treatment providers?</p> <p>9 A. Yes.</p> <p>10 Q. And what are the different</p> <p>11 treatment providers that you have contracts</p> <p>12 with?</p> <p>13 A. We have treatment -- contracts</p> <p>14 with numerous providers: Catholic Charities,</p> <p>15 Community Assessment & Treatment Services,</p> <p>16 Stella Maris, and with TASC itself that runs</p> <p>17 some intensive outpatient treatment groups.</p> <p>18 Q. And how is it determined where a</p> <p>19 client goes?</p> <p>20 A. So -- a lot of different things:</p> <p>21 Where they've been previously, what needs</p> <p>22 they have, medication-assisted treatment</p> <p>23 recommendations, and some other things.</p> <p>24 Q. Okay.</p> <p>25 And what is medication-assisted</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. And is that for the Drug Court?</p> <p>2 A. That is correct. The Recovery</p> <p>3 Court is all opiate. The afternoon docket is</p> <p>4 all opiate. So just that morning docket.</p> <p>5 We also have those that have</p> <p>6 opiate-use disorder. However, keep in mind,</p> <p>7 Recovery Court is just opiate. The afternoon</p> <p>8 docket is just opiate.</p> <p>9 Q. So when you say "opiate," I want</p> <p>10 to make sure that we're talking about the</p> <p>11 same things.</p> <p>12 What is an opiate, to your</p> <p>13 knowledge?</p> <p>14 A. To my knowledge, an opiate is a</p> <p>15 painkiller.</p> <p>16 Q. Okay.</p> <p>17 And what is the basis for your</p> <p>18 knowledge about opioids?</p> <p>19 A. I've attended training, both local</p> <p>20 and -- about every other year, I attend</p> <p>21 training, the NADCP, which is National</p> <p>22 Association of Drug Court Professionals.</p> <p>23 Q. And what kind of trainings have</p> <p>24 you attended?</p> <p>25 A. All different kinds.</p>
<p style="text-align: right;">Page 59</p> <p>1 treatment?</p> <p>2 A. Medication-assisted treatment is</p> <p>3 basically -- just kind of like it says,</p> <p>4 basically those that want to participate in</p> <p>5 medication to help them deal with their</p> <p>6 opiate use.</p> <p>7 So, for example, Vivitrol,</p> <p>8 Subutex, methadone.</p> <p>9 Q. And you said -- what you just said</p> <p>10 was that you could use medically-assisted</p> <p>11 treatment for people that have -- that use</p> <p>12 opioids, opiates; is that right?</p> <p>13 A. That is correct.</p> <p>14 Q. Are there also clients within the</p> <p>15 Drug Court program that are admitted for</p> <p>16 non-opiate-related diagnoses?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. RUIZ:</p> <p>20 Q. And do you have a sense of what</p> <p>21 percentage of Drug Court program participants</p> <p>22 are -- have opiate versus non-opiate</p> <p>23 diagnoses?</p> <p>24 A. I can give you an estimate, and</p> <p>25 it's about 85 percent are opiate.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. The trainings that you have</p> <p>2 attended, are they for a specific license</p> <p>3 that you have, or just in connection with</p> <p>4 your position in the Drug Court?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: It's just connection</p> <p>7 with the profession that I work with.</p> <p>8 BY MR. RUIZ:</p> <p>9 Q. And these trainings that you go</p> <p>10 to, are they related to substance abuse,</p> <p>11 generally?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: Mostly.</p> <p>14 BY MR. RUIZ:</p> <p>15 Q. Are any of them specific to</p> <p>16 opiates or opioids?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. RUIZ:</p> <p>20 Q. And can you recall any of them</p> <p>21 that were specific to opiates?</p> <p>22 A. Yes. I attend different</p> <p>23 presentations that courts may do -- what</p> <p>24 they're doing to treat opiate use, from the</p> <p>25 initial -- like an Opiate 101 to the</p>

<p style="text-align: right;">Page 62</p> <p>1 innovative programs that other things --</p> <p>2 services that other programs have done, how</p> <p>3 they started expanding their services, and</p> <p>4 different things that they've done to monitor</p> <p>5 those that suffer from opiate-use disorder.</p> <p>6 Q. What's the most recent one that</p> <p>7 you can remember that you've attended?</p> <p>8 A. So last month -- well, yeah, last</p> <p>9 month. The Ohio Supreme Court puts on a</p> <p>10 specialized docket conference. So I attended</p> <p>11 that conference.</p> <p>12 Q. And how did that relate to</p> <p>13 opiates?</p> <p>14 A. I had the opportunity to witness</p> <p>15 Summit County's presentation.</p> <p>16 Q. And Summit County made a</p> <p>17 presentation. What was their presentation</p> <p>18 about?</p> <p>19 A. So they presented on -- they have</p> <p>20 a drug therapy dog. They also have</p> <p>21 collaboration with their local YMCA. So it</p> <p>22 was just kind of a neat conversation with</p> <p>23 them to see what they're doing.</p> <p>24 Also, with their forms of</p> <p>25 medication as to treatment, what they use,</p>	<p style="text-align: right;">Page 64</p> <p>1 example, the specialized docket conference, I</p> <p>2 was unable to attend some other training that</p> <p>3 was going on in the same session. So you can</p> <p>4 go onto the website and obtain their</p> <p>5 PowerPoints.</p> <p>6 Q. Is it ever the case where</p> <p>7 conference or training materials are provided</p> <p>8 to you electronically to download to your</p> <p>9 computer?</p> <p>10 MR. BADALA: Objection, form.</p> <p>11 THE WITNESS: Anyone can.</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. Would you have copies of those</p> <p>14 trainings on your computer?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. Okay.</p> <p>19 Can you give me an example of an</p> <p>20 opioid?</p> <p>21 A. An example of an opioid.</p> <p>22 Percocet, OxyContin, Vicodin. Also heroin,</p> <p>23 fentanyl. Those are just some examples.</p> <p>24 Q. Drugs like cocaine,</p> <p>25 methamphetamine, marijuana, Xanax, Adderall,</p>
<p style="text-align: right;">Page 63</p> <p>1 their different treatment options that they</p> <p>2 have.</p> <p>3 Q. Prior to the conference that you</p> <p>4 went to last month, what's the most recent</p> <p>5 one that you can remember that you attended</p> <p>6 relating to opioids?</p> <p>7 A. I don't remember.</p> <p>8 Q. How many would you say that you</p> <p>9 have attended relating to opioids?</p> <p>10 MR. BADALA: Objection, form.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. Would you say it's more than five?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: I don't know.</p> <p>16 BY MR. RUIZ:</p> <p>17 Q. Do you -- when you attend these</p> <p>18 conferences or trainings, do you get written</p> <p>19 materials?</p> <p>20 A. Yes.</p> <p>21 Q. Do you keep those materials?</p> <p>22 A. Yes.</p> <p>23 Q. Do you also sometimes get</p> <p>24 materials electronically?</p> <p>25 A. I may at times -- like, for</p>	<p style="text-align: right;">Page 65</p> <p>1 those aren't opioids, to your knowledge,</p> <p>2 right?</p> <p>3 MR. BADALA: Objection, form.</p> <p>4 THE WITNESS: That is correct.</p> <p>5 BY MR. RUIZ:</p> <p>6 Q. And you understand that some</p> <p>7 opioids have legitimate medical purposes?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 BY MR. RUIZ:</p> <p>11 Q. You don't know?</p> <p>12 A. I don't know. I'm not a doctor.</p> <p>13 I don't know.</p> <p>14 Q. Well, do you know that opioids are</p> <p>15 sometimes prescribed to individuals?</p> <p>16 MR. BADALA: Objection, form.</p> <p>17 THE WITNESS: Yes. I know that</p> <p>18 opioids are prescribed to those -- to</p> <p>19 people.</p> <p>20 BY MR. RUIZ:</p> <p>21 Q. And do you know that opioids --</p> <p>22 certain opioids have been approved by the</p> <p>23 FDA?</p> <p>24 MR. BADALA: Objection, form.</p> <p>25 THE WITNESS: I do not. I'm not a</p>

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1 physician.
 2 BY MR. RUIZ:
 3 Q. Do you know that the DEA regulates
 4 opioids?
 5 MR. BADALA: Objection, form.
 6 THE WITNESS: I do not. I do not
 7 work for the DEA. I just work in the
 8 Drug Court. So I just work with what
 9 happens after those have substance-abuse
 10 disorders, including opiates.
 11 BY MR. RUIZ:
 12 Q. I know you don't work for the DEA.
 13 I'm just wondering if you know that the DEA
 14 regulates opioids.
 15 MR. BADALA: Objection, form.
 16 THE WITNESS: No, I do not.
 17 MR. RUIZ: Okay.
 18 MR. BADALA: Is it a good time to
 19 take a five-minute break? We've been
 20 going about an hour.
 21 MR. RUIZ: Yeah.
 22 THE VIDEOGRAPHER: Off the record.
 23 11:25.
 24 (Recess taken.)
 25 THE VIDEOGRAPHER: We're back on

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1 the record. 11:38.
 2 BY MR. RUIZ:
 3 Q. Ms. Leckler, I asked you earlier
 4 if you knew that some opioids have legitimate
 5 medical uses, and you said you're not a
 6 doctor. But you know that some opioids are
 7 legal, right?
 8 MR. BADALA: Objection to form.
 9 THE WITNESS: I know that some
 10 opiates are legal?
 11 BY MR. RUIZ:
 12 Q. Yes. That's my question.
 13 MR. BADALA: Same objection.
 14 THE WITNESS: Rephrase it?
 15 BY MR. RUIZ:
 16 Q. Do you know that it is possible
 17 for a person to legally get an opioid?
 18 MR. BADALA: Objection to form.
 19 THE WITNESS: Yes.
 20 BY MR. RUIZ:
 21 Q. What do you know about the
 22 circumstances under which someone could
 23 legally obtain an opioid?
 24 MR. BADALA: Objection to form.
 25 THE WITNESS: Meaning they would

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1 obtain a prescription from a physician.
 2 BY MR. RUIZ:
 3 Q. Okay.
 4 So they obtain a prescription from
 5 a physician and then what?
 6 MR. BADALA: Objection to form.
 7 THE WITNESS: Then I don't know.
 8 BY MR. RUIZ:
 9 Q. Okay.
 10 And you don't know how opioids are
 11 regulated at the federal level?
 12 MR. BADALA: Objection to form.
 13 THE WITNESS: I do not.
 14 BY MR. RUIZ:
 15 Q. Do you know anything about how
 16 they're regulated at the state level?
 17 A. I do not.
 18 Q. You're not familiar with how the
 19 Ohio Board of Pharmacy regulates opioids?
 20 MR. BADALA: Objection to form.
 21 THE WITNESS: I do not.
 22 BY MR. RUIZ:
 23 Q. Okay.
 24 You understand that some opioids
 25 can be obtained by prescription and others

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1 cannot? Do you know that?
 2 MR. BADALA: Objection to form.
 3 THE WITNESS: Do I understand that
 4 some opiates can be -- opioids can be
 5 obtained by prescription and some
 6 cannot?
 7 BY MR. RUIZ:
 8 Q. Right.
 9 MR. BADALA: Same objection.
 10 THE WITNESS: Yes.
 11 BY MR. RUIZ:
 12 Q. For instance, Vicodin, you could
 13 obtain a prescription for Vicodin?
 14 MR. BADALA: Objection to form.
 15 THE WITNESS: Someone could.
 16 BY MR. RUIZ:
 17 Q. Someone could?
 18 A. Yes.
 19 Q. But no one can obtain a
 20 prescription for heroin?
 21 A. That is correct.
 22 Q. But those are both opioids?
 23 A. That is correct.
 24 Q. Right. Okay.
 25 Now, for prescription opioids, do

<p style="text-align: right;">Page 70</p> <p>1 you have any understanding of how those drugs</p> <p>2 make their way from a manufacturer to a</p> <p>3 patient?</p> <p>4 A. I do not.</p> <p>5 Q. Okay.</p> <p>6 So you don't know -- do you know</p> <p>7 that manufacturers make opioids?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: I do not.</p> <p>10 BY MR. RUIZ:</p> <p>11 Q. Do you know that certain</p> <p>12 distributors distribute opioids?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: I do not.</p> <p>15 BY MR. RUIZ:</p> <p>16 Q. But you do know that doctors can</p> <p>17 prescribe opioids?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know that pharmacies can</p> <p>20 dispense opioids?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. RUIZ:</p> <p>24 Q. Okay.</p> <p>25 Do you know that insurance can</p>	<p style="text-align: right;">Page 72</p> <p>1 medicine is appropriate for a patient?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I do not. Like I</p> <p>4 said before, I am not a physician. I do</p> <p>5 not know.</p> <p>6 BY MR. RUIZ:</p> <p>7 Q. I'm not asking if you're a</p> <p>8 physician. I'm not asking for your medical</p> <p>9 opinion. I'm just asking for your opinion as</p> <p>10 someone who works in the Drug Court for</p> <p>11 almost ten years --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- and has a lot of knowledge</p> <p>14 around substance abuse and has gone to</p> <p>15 opioid-specific trainings.</p> <p>16 Do you agree that a prescriber is</p> <p>17 the one who determines whether a medication</p> <p>18 is appropriate for someone or not?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 Asked and answered.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. Do you know whether it's up to the</p> <p>24 prescriber to weigh the risks and benefits of</p> <p>25 a particular medication for a patient?</p>
<p style="text-align: right;">Page 71</p> <p>1 reimburse for opioid prescriptions?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I do not.</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. Do you know if Medicaid reimburses</p> <p>6 for opioid prescriptions?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I do not.</p> <p>9 BY MR. RUIZ:</p> <p>10 Q. Or if they cover opioid</p> <p>11 prescriptions?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I do not.</p> <p>14 BY MR. RUIZ:</p> <p>15 Q. You said that a person might be</p> <p>16 able to obtain a prescription for an opioid</p> <p>17 from a physician.</p> <p>18 Do you know who else a person</p> <p>19 might be able to obtain a prescription for an</p> <p>20 opioid from?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I do not.</p> <p>23 BY MR. RUIZ:</p> <p>24 Q. Would you agree that a prescriber</p> <p>25 is the one who determines whether a given</p>	<p style="text-align: right;">Page 73</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: I do not know.</p> <p>3 BY MR. RUIZ:</p> <p>4 Q. A prescriber is usually going to</p> <p>5 know a patient's medical history, right?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: I have no idea.</p> <p>8 BY MR. RUIZ:</p> <p>9 Q. Well, you've had experience with</p> <p>10 doctors before?</p> <p>11 MR. BADALA: Is that a question?</p> <p>12 MR. RUIZ: Yeah.</p> <p>13 BY MR. RUIZ:</p> <p>14 Q. Have you had experience with</p> <p>15 doctors before?</p> <p>16 MR. BADALA: You don't have to</p> <p>17 disclose your medical history.</p> <p>18 MR. RUIZ: I'm not asking her to</p> <p>19 disclose her medical history.</p> <p>20 MR. BADALA: I'm just making it</p> <p>21 clear.</p> <p>22 THE WITNESS: Have I been to the</p> <p>23 doctor before?</p> <p>24 BY MR. RUIZ:</p> <p>25 Q. Yes.</p>

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1 A. Yes, I've been to the doctor
2 before.
3 Q. And do you give medical history
4 when you do that?
5 A. Sometimes.
6 Q. Do you give family history, family
7 medical history?
8 A. I guess.
9 Q. Sometimes?
10 A. Yes.
11 Q. Okay.
12 And do you know that prescription
13 medications come with instructions?
14 MR. BADALA: Objection to form.
15 THE WITNESS: I do not know.
16 BY MR. RUIZ:
17 Q. You don't know if prescription
18 medications come with instructions?
19 MR. BADALA: Objection to form.
20 THE WITNESS: I do not know.
21 BY MR. RUIZ:
22 Q. Do you know if they come with
23 warnings?
24 MR. BADALA: Objection to form.
25 THE WITNESS: I do not know.

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1 BY MR. RUIZ:
2 Q. Have you ever looked at a
3 prescription medication before?
4 MR. BADALA: Objection to form.
5 Are we talking about opioids? I'm
6 confused now.
7 MR. RUIZ: No. I'm just talking
8 about prescription medications in
9 general.
10 THE WITNESS: Have I ever read
11 instructions on prescription
12 medications? Is that what you're
13 asking?
14 BY MR. RUIZ:
15 Q. No. I'm asking if you've ever
16 looked at, for instance, a bottle of
17 prescription drugs. It doesn't have to be
18 opioids.
19 A. Yes. I have looked at a bottle
20 of -- a prescription.
21 Q. Did that bottle have instructions?
22 A. Yes.
23 Q. Did it have warnings?
24 A. I don't know.
25 Q. Okay.

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1 You don't know if prescription
2 opioids have -- come with instructions?
3 MR. BADALA: Objection to form.
4 THE WITNESS: Yes. They would
5 come with instructions.
6 BY MR. RUIZ:
7 Q. Okay.
8 And when a medication comes with
9 instructions, it's up to the patient to
10 follow those instructions, right?
11 MR. BADALA: Objection to form.
12 THE WITNESS: I don't know.
13 BY MR. RUIZ:
14 Q. Okay.
15 And if a prescription is written
16 for a patient, it's written for that
17 particular patient, right?
18 MR. BADALA: Objection to form.
19 THE WITNESS: I guess, yes.
20 BY MR. RUIZ:
21 Q. If a doctor writes you a
22 prescription, you're not supposed to share
23 that with a family member or a friend?
24 MR. BADALA: Objection to form.
25 THE WITNESS: That is correct.

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1 BY MR. RUIZ:
2 Q. Okay.
3 And, in fact, someone taking a
4 prescription medication that they have not
5 been prescribed is illegal, right?
6 MR. BADALA: Objection to form.
7 THE WITNESS: That is correct.
8 BY MR. RUIZ:
9 Q. Okay.
10 And is that a form of diversion?
11 MR. BADALA: Objection to form.
12 THE WITNESS: I don't know what
13 the term is called.
14 BY MR. RUIZ:
15 Q. Are you familiar with the term
16 "diversion"?
17 A. I'm familiar with the term of
18 diversion. It's used a lot in the courtroom
19 when it's talking about expunging and not
20 expunging cases.
21 Q. Are you familiar with the term
22 "diversion" as it relates to drug use?
23 MR. BADALA: Objection to form.
24 THE WITNESS: No.
25

<p style="text-align: right;">Page 78</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. So you have never heard the term</p> <p>3 "diverted drug"?</p> <p>4 A. I have heard it, but I do not</p> <p>5 understand the definition.</p> <p>6 Q. Okay.</p> <p>7 Do you agree that once -- that</p> <p>8 someone might have a valid prescription for</p> <p>9 an opioid and then choose to sell it on the</p> <p>10 street?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: Say it again? I'm</p> <p>13 sorry.</p> <p>14 BY MR. RUIZ:</p> <p>15 Q. Do you agree that someone might</p> <p>16 have a valid prescription for an opioid and</p> <p>17 then can choose to sell it on the street?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 BY MR. RUIZ:</p> <p>21 Q. Have you ever heard of that</p> <p>22 happening?</p> <p>23 A. Yes. Narcotics do have a street</p> <p>24 value. All drugs have a street value.</p> <p>25 Q. Have you heard of prescription</p>	<p style="text-align: right;">Page 80</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: Say that again? I'm</p> <p>3 sorry.</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. Have you ever encountered a client</p> <p>6 who was arrested for taking a prescription</p> <p>7 opioid that was prescribed by a doctor?</p> <p>8 A. Have I ever taken a case of</p> <p>9 someone that was taking a prescription that</p> <p>10 they were described [sic] for?</p> <p>11 Q. That they were prescribed by a</p> <p>12 doctor.</p> <p>13 A. Well, yes.</p> <p>14 Q. So they were -- tell me about</p> <p>15 that.</p> <p>16 A. So, for example, I see a lot of</p> <p>17 clients that were in a car accident, had</p> <p>18 dental work, had surgery, they were</p> <p>19 prescribed opiates, and they've continued to</p> <p>20 use it well after it was ongoingly being</p> <p>21 prescribed. A lot of times you see cases</p> <p>22 that, unfortunately, start using heroin.</p> <p>23 I can give you a specific example,</p> <p>24 if you would like.</p> <p>25 Q. So that's actually a different</p>
<p style="text-align: right;">Page 79</p> <p>1 opioids being stolen from hospitals?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. Being stolen from medicine</p> <p>6 cabinets?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 BY MR. RUIZ:</p> <p>10 Q. You haven't heard any stories of</p> <p>11 people doing that?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: Me personally, in</p> <p>14 the Drug Court program, I see a lot of</p> <p>15 cases where one was prescribed opiates</p> <p>16 and then they needed more of it.</p> <p>17 Usually it could lead to them being</p> <p>18 arrested, which is when they would come</p> <p>19 across my desk. So -- if that helps.</p> <p>20 BY MR. RUIZ:</p> <p>21 Q. Well, let's walk through that.</p> <p>22 When they are arrested, have you</p> <p>23 ever encountered someone who was arrested for</p> <p>24 taking a prescription opioid that they were</p> <p>25 prescribed by a doctor?</p>	<p style="text-align: right;">Page 81</p> <p>1 scenario than what I'm asking about.</p> <p>2 A. Okay.</p> <p>3 Q. What you just described is someone</p> <p>4 who at one point had a prescription and then</p> <p>5 somewhere along the way that prescription</p> <p>6 ended, and they continued taking opioids.</p> <p>7 A. Well, a number of things can</p> <p>8 happen. Drug use -- to get that ceiling</p> <p>9 effect, it could be -- also, a lot of times</p> <p>10 what happens is that prescription medication,</p> <p>11 you're not hitting that ceiling effect. So</p> <p>12 you're going to want to look to more of it or</p> <p>13 to what's more strong.</p> <p>14 Q. So, again, that's not my question,</p> <p>15 though. My question is has anyone ever come</p> <p>16 into the Drug Court program because they were</p> <p>17 arrested for taking prescription medication</p> <p>18 that they had a valid prescription for?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: Well, no. No.</p> <p>21 BY MR. RUIZ:</p> <p>22 Q. And after -- strike that.</p> <p>23 You realize that some people</p> <p>24 take -- might take a prescription opioid from</p> <p>25 a family member's medicine cabinet?</p>

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1 MR. BADALA: Objection to form.
2 THE WITNESS: Am I aware that
3 those may take other loved one's
4 prescription medication?
5 BY MR. RUIZ:
6 Q. Yes. Have you heard of that
7 before?
8 A. Yes.
9 Q. Have you heard of family members
10 giving their legally prescribed drugs to
11 someone else who was not the prescribed
12 patient?
13 MR. BADALA: Objection to form.
14 THE WITNESS: Yes.
15 BY MR. RUIZ:
16 Q. And that would be illegal, right?
17 MR. BADALA: Objection to form.
18 THE WITNESS: Yes.
19 BY MR. RUIZ:
20 Q. Let's talk about illegal opioids,
21 like heroin.
22 Do you have an understanding about
23 how heroin gets from a manufacturer, a maker,
24 to an ultimate drug user?
25 MR. BADALA: Objection to form.

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1 THE WITNESS: No, I do not.
2 BY MR. RUIZ:
3 Q. Okay.
4 Have you heard of -- you have no
5 knowledge about how illegal drugs make their
6 way into Cuyahoga County?
7 MR. BADALA: Objection to form.
8 THE WITNESS: Not an absolute of
9 the exact track, no. I do not.
10 BY MR. RUIZ:
11 Q. Tell me what you know.
12 A. Well, I would assume that if I did
13 know and that if we did know, that they would
14 be able to do something more about that. So,
15 no, I cannot even begin to try to follow what
16 happens on the streets.
17 Q. Do you have any sense where
18 illegal drugs -- where illegal heroin in
19 Cuyahoga County is coming from?
20 MR. BADALA: Objection to form.
21 THE WITNESS: I do not.
22 BY MR. RUIZ:
23 Q. Have you read about it in the
24 news?
25 MR. BADALA: Objection to form.

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1 THE WITNESS: I've read some
2 headlines. However, it looks like a lot
3 of assumptions. So, just like you,
4 sometimes you see things come across in
5 the papers, but I do not know how the
6 volume of drugs come into Cuyahoga
7 County.
8 BY MR. RUIZ:
9 Q. Have you heard of illegal drugs
10 making their way via Mexican drug cartels?
11 MR. BADALA: Objection to form.
12 THE WITNESS: I do not. Like I
13 said, I don't -- I don't work on the law
14 enforcement side. So, unfortunately, I
15 do not know how that all occurs. What I
16 do deal with is what happens after,
17 and -- after somebody has been arrested.
18 So that part, I can -- I can answer.
19 BY MR. RUIZ:
20 Q. And so you just haven't heard that
21 before?
22 MR. BADALA: Objection to form.
23 THE WITNESS: Yes. I've heard of
24 that. I have seen headlines of that.
25 However, it's not -- it does not -- it's

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1 not my expertise.
2 And, like I said, I deal with
3 what -- I have enough on my plate with
4 what happens after to worry about what
5 happens before.
6 BY MR. RUIZ:
7 Q. What about illegal fentanyl coming
8 from China?
9 MR. BADALA: Objection to form.
10 THE WITNESS: I've heard of
11 illegal fentanyl coming from China. I
12 do -- like I said before, I have a lot
13 of cases where, you know, those may have
14 overdosed previously, so --
15 BY MR. RUIZ:
16 Q. Okay.
17 Have you ever heard of counterfeit
18 opioids before?
19 A. Have I ever heard of counterfeit
20 opioids? No, I have not. I've heard of
21 counterfeit money.
22 Q. So you've never heard of pills
23 being sold on the street as one form of
24 opioid and they're really another?
25 MR. BADALA: Objection to form.

<p style="text-align: right;">Page 86</p> <p>1 THE WITNESS: I have never heard</p> <p>2 it called counterfeit.</p> <p>3 BY MR. RUIZ:</p> <p>4 Q. What have you heard it called?</p> <p>5 A. Just drugs.</p> <p>6 Q. A little bit earlier I asked you</p> <p>7 some questions about, during the intake</p> <p>8 process for clients coming into Drug Court,</p> <p>9 part of what you get is a drug history.</p> <p>10 What does TASC do, if anything, to</p> <p>11 your knowledge, to verify the information</p> <p>12 that they get about a person's past drug use?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: Like I said</p> <p>15 previously, they would verify by way of</p> <p>16 drug testing. So if the person is out</p> <p>17 on bail, drug testing is a perfect way</p> <p>18 to determine if what the client is</p> <p>19 saying is true.</p> <p>20 If the client is in jail,</p> <p>21 unfortunately, we don't have a lot of</p> <p>22 drug history.</p> <p>23 BY MR. RUIZ:</p> <p>24 Q. That only tells you their -- what</p> <p>25 their current use is, right?</p>	<p style="text-align: right;">Page 88</p> <p>1 Let's say that someone says they</p> <p>2 started with prescription drugs. Do you know</p> <p>3 if anything is done to verify that?</p> <p>4 A. Say if somebody started with</p> <p>5 prescription drugs, is there any way to</p> <p>6 verify that?</p> <p>7 Q. Not is there any way to verify it,</p> <p>8 but does the Drug Court program do anything</p> <p>9 to verify that?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: If somebody is</p> <p>12 currently being prescribed narcotics,</p> <p>13 you may -- no. Previously?</p> <p>14 BY MR. RUIZ:</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. When we're talking about drug</p> <p>18 history, what level of detail are you</p> <p>19 getting? Is it just, "I started with</p> <p>20 prescription drugs," or is it, "I took</p> <p>21 Percocet," or what kind of detail are we</p> <p>22 talking about?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: So in speaking with</p> <p>25 clients, a large number of them started</p>
<p style="text-align: right;">Page 87</p> <p>1 A. They could have had a previous</p> <p>2 assessment with TASC, had some experience</p> <p>3 with the criminal justice system previously.</p> <p>4 So, you know, they could -- could have had a</p> <p>5 previous assessment with TASC for a previous</p> <p>6 case. Because, like I said, we do take three</p> <p>7 or less prior felony convictions.</p> <p>8 So -- so it would be great if they</p> <p>9 had some other collateral information to see</p> <p>10 where the client progressed. But that's not</p> <p>11 always -- that's not always the case.</p> <p>12 Q. So let's say that someone enters</p> <p>13 your program and they say, "I have been using</p> <p>14 drugs for the past ten years, and I started</p> <p>15 with drug X."</p> <p>16 Is there anything that's done to</p> <p>17 verify that information, the genesis</p> <p>18 information?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: No. I mean, how</p> <p>21 could you?</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. It's just the client's word?</p> <p>24 A. Yeah. How could you?</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 89</p> <p>1 with prescription opiates, prescription</p> <p>2 painkillers. By the time they get to</p> <p>3 me, it doesn't matter if they're using</p> <p>4 heroin or if they're using prescription</p> <p>5 medication, because we will treat them</p> <p>6 the same.</p> <p>7 So the case plan will be the same.</p> <p>8 Their overdose level would be the same.</p> <p>9 Their detox needs to be the same. Their</p> <p>10 necessity for residential treatment</p> <p>11 would be the same.</p> <p>12 So we receive a lot of clients</p> <p>13 that started by way of prescription</p> <p>14 medication. However, we're bombarded</p> <p>15 right now with what to do with the</p> <p>16 number of clients that we have and where</p> <p>17 we're going to put them.</p> <p>18 BY MR. RUIZ:</p> <p>19 Q. Now, when you say that they</p> <p>20 started with prescription medication, you</p> <p>21 know that because that's what they told you</p> <p>22 in the drug assessment?</p> <p>23 A. That is correct.</p> <p>24 Q. But as part of that assessment,</p> <p>25 you don't verify that they ever had a legal</p>

<p style="text-align: right;">Page 90</p> <p>1 prescription?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: So I'm going to</p> <p>4 backtrack a little bit, just so that I</p> <p>5 can clearly understand where you're</p> <p>6 coming from.</p> <p>7 When you're talking about the</p> <p>8 assessment, you're talking more about a</p> <p>9 diagnoses.</p> <p>10 BY MR. RUIZ:</p> <p>11 Q. Uh-huh.</p> <p>12 A. If you're talking about community</p> <p>13 supervision, you're talking on the probation</p> <p>14 side. In reference to the probation side,</p> <p>15 one, as long as the case is of a drug case,</p> <p>16 we could run an OARRS report to determine the</p> <p>17 last time -- and I haven't -- I'm trying to</p> <p>18 remember if it's a year -- I believe it's a</p> <p>19 year long -- I can look back to the previous</p> <p>20 year to see how many painkillers they were</p> <p>21 prescribed.</p> <p>22 So -- but clinically, when they do</p> <p>23 the diagnoses, no, that person does not have</p> <p>24 the authority to run that OARRS report.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 92</p> <p>1 program? Is that what you're describing?</p> <p>2 A. Yes.</p> <p>3 Q. And so the -- so then that is</p> <p>4 being reported so that that person does not</p> <p>5 receive a prescription opioid if they already</p> <p>6 have an opioid disorder?</p> <p>7 A. Hence the community supervision,</p> <p>8 yes.</p> <p>9 Q. Right. Okay. I understand now.</p> <p>10 A. Okay.</p> <p>11 Q. But other than in that situation,</p> <p>12 is there ever any instance in which the Drug</p> <p>13 Court is seeking to verify past drug history</p> <p>14 of a client?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: Say it again.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. Other than the situation in which</p> <p>19 a client is hurt and possibly will be</p> <p>20 prescribed medication, is there ever an</p> <p>21 instance in which the Drug Court seeks to</p> <p>22 look back at a client's prior drug history?</p> <p>23 A. Yes.</p> <p>24 Q. What are those instances?</p> <p>25 A. To see what kind of other</p>
<p style="text-align: right;">Page 91</p> <p>1 A. So when you're doing eligibility,</p> <p>2 remember, we're talking about a couple</p> <p>3 different process. We're talking about the</p> <p>4 assessment and then we're also talking about</p> <p>5 developing that relationship, probation side,</p> <p>6 verifying, a little bit more validating a lot</p> <p>7 of the information. So if we could just, you</p> <p>8 know, make sure that we're keeping it</p> <p>9 separate.</p> <p>10 Q. During the community supervision</p> <p>11 part, under what circumstances would you --</p> <p>12 well, let me back up. I want to make sure</p> <p>13 that I understood you correctly.</p> <p>14 So during community supervision,</p> <p>15 you might do an OARRS report on the client?</p> <p>16 A. Yes.</p> <p>17 Q. Under what situations?</p> <p>18 A. If a client came into the office</p> <p>19 and said, "I went to the ER. I hurt my</p> <p>20 back," the PO could request an OARRS report</p> <p>21 to make sure that that client did not obtain</p> <p>22 prescription.</p> <p>23 Q. Wait. I want to make sure. So if</p> <p>24 a client comes in and says that they've hurt</p> <p>25 their back after they're already in the</p>	<p style="text-align: right;">Page 93</p> <p>1 prescriptions that someone might have</p> <p>2 obtained. For example, gabapentin is very</p> <p>3 commonly abused by our clients; however, it</p> <p>4 costs a lot of money to monitor via drug</p> <p>5 tests. So probation officers could request</p> <p>6 an OARRS report to verify previous</p> <p>7 prescriptions for gabapentin and also monitor</p> <p>8 to make sure no new prescriptions were</p> <p>9 obtained.</p> <p>10 Q. Okay.</p> <p>11 But when someone tells you, tells</p> <p>12 the Drug Court, that "My substance-abuse</p> <p>13 problems started with prescription drugs," do</p> <p>14 you do anything to verify whether that is</p> <p>15 true?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: Not in all cases,</p> <p>18 no.</p> <p>19 BY MR. RUIZ:</p> <p>20 Q. But in some cases you might?</p> <p>21 Okay.</p> <p>22 In the cases where you might do</p> <p>23 that -- what are the situations in which you</p> <p>24 might do that?</p> <p>25 A. It would have to be really recent.</p>

<p style="text-align: right;">Page 94</p> <p>1 Like I said, before --</p> <p>2 Q. Because you just got access</p> <p>3 to OARRS recently, right?</p> <p>4 A. No. Because not everything would</p> <p>5 show up on an OARRS report in somebody's</p> <p>6 history.</p> <p>7 Q. Explain that to me.</p> <p>8 A. So OARRS wasn't always existing.</p> <p>9 Q. What's your understanding as to</p> <p>10 when OARRS started?</p> <p>11 A. I do not know the exact date. All</p> <p>12 I know is that it wasn't always in existence</p> <p>13 and it was not always able for the criminal</p> <p>14 justice side to attain access.</p> <p>15 Q. And when did -- who in the Drug</p> <p>16 Court team has access to OARRS?</p> <p>17 A. No one.</p> <p>18 Q. So when you are running OARRS</p> <p>19 reports, who is doing that?</p> <p>20 A. We make a request to a probation</p> <p>21 supervisor.</p> <p>22 Q. And a probation supervisor is not</p> <p>23 considered part of the Drug Court team?</p> <p>24 A. That is correct. It's not.</p> <p>25 Q. So do you have a sense of any</p>	<p style="text-align: right;">Page 96</p> <p>1 If an OARRS report is run, are you</p> <p>2 given -- is the Drug Court given a copy of</p> <p>3 the report?</p> <p>4 A. If we requested the report, we</p> <p>5 would get the report.</p> <p>6 Q. And would that report be put in</p> <p>7 that client's file somewhere?</p> <p>8 A. Correct.</p> <p>9 Q. And so you would have a copy of</p> <p>10 that report even today?</p> <p>11 A. Correct.</p> <p>12 Q. In the instances in which a report</p> <p>13 is run and you can see a client's drug</p> <p>14 history through OARRS, is there anything</p> <p>15 further done with that information?</p> <p>16 A. No.</p> <p>17 Q. Do you ever try to find out if,</p> <p>18 for instance, someone who had a prescription</p> <p>19 used that prescription as directed?</p> <p>20 A. No.</p> <p>21 Q. If you -- do you do anything to</p> <p>22 find out whether that person lied to get a</p> <p>23 prescription?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: No.</p>
<p style="text-align: right;">Page 95</p> <p>1 other people in the probation office that</p> <p>2 have access to OARRS?</p> <p>3 A. I do not.</p> <p>4 Q. Do you know when the probation --</p> <p>5 was it a supervisor?</p> <p>6 A. Correct.</p> <p>7 Q. Do you know when the probation</p> <p>8 supervisor first got access to OARRS?</p> <p>9 A. I do not.</p> <p>10 Q. Can you recall the first time that</p> <p>11 you asked for OARRS information?</p> <p>12 A. I cannot give you the exact date,</p> <p>13 no.</p> <p>14 Q. Can you give me a year?</p> <p>15 A. I don't know.</p> <p>16 Q. Was it in 2017?</p> <p>17 A. I don't know.</p> <p>18 Q. You don't know if it was prior to</p> <p>19 that?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I don't.</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. Okay.</p> <p>24 In the instances in which you --</p> <p>25 let me back up.</p>	<p style="text-align: right;">Page 97</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. Are your clients sometimes</p> <p>3 diagnosed as having multiple drug-use</p> <p>4 disorders?</p> <p>5 A. Yes.</p> <p>6 Q. How common is that?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 BY MR. RUIZ:</p> <p>10 Q. Would you say more than</p> <p>11 50 percent?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I cannot give you an</p> <p>14 exact number. I don't know.</p> <p>15 BY MR. RUIZ:</p> <p>16 Q. Do you think it's more than</p> <p>17 25 percent?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 BY MR. RUIZ:</p> <p>21 Q. Are clients often -- are clients</p> <p>22 diagnosed with mental health diagnoses?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: No. The TASC</p> <p>25 department does not do mental health</p>

<p style="text-align: right;">Page 98</p> <p>1 diagnoses.</p> <p>2 BY MR. RUIZ:</p> <p>3 Q. What about as part of Recovery</p> <p>4 Court?</p> <p>5 A. That is correct. TASC does not do</p> <p>6 mental health diagnoses.</p> <p>7 Q. So how does the mental health</p> <p>8 diagnoses work? Who does that?</p> <p>9 A. So the program will refer to</p> <p>10 outside agencies. If the client appears to</p> <p>11 have some severe cognitive disability, we can</p> <p>12 refer them to the court psychiatric clinic</p> <p>13 for an IQ test. And if a client has</p> <p>14 auditory/visual hallucinations, we could also</p> <p>15 refer them to the court psychiatric clinic</p> <p>16 that will do a full mental health assessment</p> <p>17 on that individual.</p> <p>18 The Common Pleas Court has a</p> <p>19 Mental Health Court as well. So we have --</p> <p>20 in addition to our specialty dockets, we also</p> <p>21 have Mental Health Court, so --</p> <p>22 Q. Right. And apologies if you told</p> <p>23 me this before. The Recovery Court actually</p> <p>24 deals with clients who have a combination of</p> <p>25 opioid dependence and a mental health</p>	<p style="text-align: right;">Page 100</p> <p>1 trauma, sometimes that doesn't come out until</p> <p>2 later, especially when you're dealing with</p> <p>3 young female clients. Sometimes, you know,</p> <p>4 they're very good at protecting themselves.</p> <p>5 So, yes, we have had cases in</p> <p>6 which someone was in the regular Drug Court</p> <p>7 side, and then we did an updated assessment</p> <p>8 and determined that the client would be more</p> <p>9 appropriate for Recovery Court.</p> <p>10 And that case has also happened</p> <p>11 when we've had individuals in Drug Court that</p> <p>12 have absconded, which means taken off from</p> <p>13 the program.</p> <p>14 And some incident has occurred</p> <p>15 where there was some sexual exploitation that</p> <p>16 occurred. And then so we would transfer that</p> <p>17 case to Recovery Court.</p> <p>18 Q. And as part of the evaluation of</p> <p>19 clients who are entering either the Drug</p> <p>20 Court or the Recovery Court, are there some</p> <p>21 who are rejected from that court -- from</p> <p>22 either court before they enter?</p> <p>23 A. Yes, if they're not eligible by</p> <p>24 way of record check, and if they're not</p> <p>25 eligible by the second part that we had</p>
<p style="text-align: right;">Page 99</p> <p>1 diagnosis; is that right?</p> <p>2 A. That is not correct, no.</p> <p>3 Q. Would you correct that for me?</p> <p>4 A. Yes. So they have substance use,</p> <p>5 opiate. They have to have an opiate-use</p> <p>6 disorder. And they have to have a --</p> <p>7 currently right now, the Recovery Court is</p> <p>8 handling cases that deal with sexual</p> <p>9 exploitation and human trafficking.</p> <p>10 When we started, Recovery Court</p> <p>11 was all substances and it was also</p> <p>12 trauma-related mental health issues.</p> <p>13 However, we were overflowing with cases, so</p> <p>14 we actually had to narrow down the target</p> <p>15 population a little bit, even more specific,</p> <p>16 because the court could not handle -- with</p> <p>17 what we had, handle those cases.</p> <p>18 Q. And when a client is referred to</p> <p>19 the Drug or Recovery Court, is it sometimes</p> <p>20 that a client will be referred to the Drug</p> <p>21 Court and then it's determined that it's more</p> <p>22 appropriate for that person to be in the</p> <p>23 Recovery Court?</p> <p>24 A. Yes. That has happened. A lot of</p> <p>25 times with trauma, specifically with sexual</p>	<p style="text-align: right;">Page 101</p> <p>1 described before.</p> <p>2 Q. Are those the only reasons why</p> <p>3 someone might be rejected?</p> <p>4 A. Someone could be rejected if they</p> <p>5 lived far outside the county, and basically</p> <p>6 you're setting them up for failure, so we'll</p> <p>7 try to come up with a different solution. A</p> <p>8 lot of times the courtrooms will contact</p> <p>9 where they live at, that court, and see if</p> <p>10 they can participate in some form of</p> <p>11 diversion program out there.</p> <p>12 Q. Are there any other reasons that a</p> <p>13 potential client might be rejected from the</p> <p>14 Drug Court program?</p> <p>15 A. Other than the client denying to</p> <p>16 participate?</p> <p>17 Q. Because ultimately, enrollment is</p> <p>18 voluntary for the client, correct?</p> <p>19 A. Absolutely.</p> <p>20 Q. I just had a quick question about</p> <p>21 the OARRS reports that the probation</p> <p>22 supervisor runs.</p> <p>23 A. Okay.</p> <p>24 Q. Are you able to tell us</p> <p>25 approximately how many OARRS reports have</p>

<p style="text-align: right;">Page 102</p> <p>1 been run this year?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. Do you think it's more than five?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: I cannot determine</p> <p>8 the number because not all OARRS reports</p> <p>9 are directly -- sometimes they will stay</p> <p>10 in the probation file. They don't come</p> <p>11 to me unless something alarming.</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. Fair enough. How many have you</p> <p>14 seen?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: I have no idea.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. Do you think you've seen more than</p> <p>19 five this year?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. Have you seen any this month?</p> <p>24 A. I don't think so.</p> <p>25 Q. What about last month?</p>	<p style="text-align: right;">Page 104</p> <p>1 county specifically for Recovery Court. So</p> <p>2 it's just some of the ways.</p> <p>3 Q. And do any of those grants require</p> <p>4 that the Recovery Court deal with opiate</p> <p>5 diagnoses?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: No. They do</p> <p>8 recommend that you allocate certain</p> <p>9 funding to help treat with the opiate</p> <p>10 epidemic.</p> <p>11 Do you want me to explain that?</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. No. We'll come back to it.</p> <p>14 How long does the Drug Court</p> <p>15 program last?</p> <p>16 A. Average of 14 months.</p> <p>17 Q. And eventually, at some point,</p> <p>18 clients graduate?</p> <p>19 A. That is correct.</p> <p>20 Q. And what happens to the -- how is</p> <p>21 Drug Court involved with clients after they</p> <p>22 graduate?</p> <p>23 A. So this is really unique and kind</p> <p>24 of cool. So we have a fantastic alumni</p> <p>25 program called Project 180. And so our</p>
<p style="text-align: right;">Page 103</p> <p>1 A. I believe so, yes. We had one</p> <p>2 case that I looked at an OARRS report for.</p> <p>3 Q. So you think you've seen -- are</p> <p>4 there any others that you think you saw in</p> <p>5 October?</p> <p>6 A. No.</p> <p>7 Q. And you said that the Recovery</p> <p>8 Court requires -- one of the requirements of</p> <p>9 the Recovery Court is an opiate diagnosis; is</p> <p>10 that right?</p> <p>11 A. That is correct.</p> <p>12 Q. And why is that?</p> <p>13 A. Unfortunately, that was because</p> <p>14 the majority of the cases, that's what we</p> <p>15 get.</p> <p>16 Q. How is the Recovery Court funded?</p> <p>17 A. How is the Recovery Court funded?</p> <p>18 Q. Yes.</p> <p>19 A. Numerous ways.</p> <p>20 Q. Tell me the different ways.</p> <p>21 A. So we, as a court, apply for</p> <p>22 federal funding that is provided to the</p> <p>23 county. We apply for state funding that is</p> <p>24 provided to the county. We have our local</p> <p>25 ADAMHS board that has allocated money to the</p>	<p style="text-align: right;">Page 105</p> <p>1 participants kind of change things up a</p> <p>2 little bit. So this participation agreement</p> <p>3 is our older version; however, we mandated</p> <p>4 that our Project 180 -- that clients attend a</p> <p>5 Project 180 session each phase.</p> <p>6 And what the Project 180 is, is</p> <p>7 it's Drug Court alumni that have graduated</p> <p>8 that are doing very well in the community.</p> <p>9 They are in the community doing great work.</p> <p>10 They volunteer at a lot of the detox centers.</p> <p>11 They go out and speak when requested. They</p> <p>12 go organized bowling. They organize all</p> <p>13 these like fantastic events, sober events,</p> <p>14 for anyone participating in Drug Court or</p> <p>15 Recovery Court, and they do a lot of things</p> <p>16 for the community.</p> <p>17 September is National Recovery</p> <p>18 Month, so they had this fantastic event that</p> <p>19 occurred in Lakewood called "Light up the</p> <p>20 Night for Recovery," and they had over 600</p> <p>21 people that showed up. They had guest</p> <p>22 speakers.</p> <p>23 They had these balloons, luminaire</p> <p>24 balloons, that after the guest speakers got</p> <p>25 done, we went over to the Lakewood Soltice</p>

<p style="text-align: right;">Page 106</p> <p>1 Steps and let off balloons into the air. And</p> <p>2 that was for anyone that has overdosed or any</p> <p>3 family that's currently going through this.</p> <p>4 They also had a "Recovery's Got</p> <p>5 Talent." If you're familiar with America's</p> <p>6 Got Talent, it's similar to that, and they</p> <p>7 had 11 performers that performed different</p> <p>8 acts like acoustic guitar, singing,</p> <p>9 hula-hoop. This one individual was some --</p> <p>10 he was -- it's not like -- it's kind of like</p> <p>11 a form of karate, which was really, really</p> <p>12 cool. They asked me to be a judge. It was</p> <p>13 just fantastic.</p> <p>14 So that is one of the biggest</p> <p>15 things, that those that graduate from the</p> <p>16 program that are also still involved. A lot</p> <p>17 of that alumni also come to court and offer</p> <p>18 their assistance, whether it be peer support,</p> <p>19 and just a place for the current participants</p> <p>20 to kind of discuss, you know, their</p> <p>21 struggles.</p> <p>22 So we're really lucky. It's like</p> <p>23 one of the -- from talking with other states,</p> <p>24 we have -- it's really, really great.</p> <p>25 Q. Does the Drug Court contribute any</p>	<p style="text-align: right;">Page 108</p> <p>1 just keep a list of contact information and</p> <p>2 what people are doing, if they're employed,</p> <p>3 not employed, if they've moved away, anything</p> <p>4 like that?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. RUIZ:</p> <p>8 Q. How many participants can the Drug</p> <p>9 Court have at any given time?</p> <p>10 A. So we have about 150 on the Drug</p> <p>11 Court side, estimated, and we have estimated</p> <p>12 about, on Recovery side, anywhere from 90 to</p> <p>13 120, and that fluctuates just depending on</p> <p>14 when a graduation class has occurred.</p> <p>15 Q. And the Recovery Court started --</p> <p>16 its first operational year was 2015?</p> <p>17 A. That's correct.</p> <p>18 Q. Has that number, 90 to 120, been</p> <p>19 fairly constant over the last three years?</p> <p>20 A. Yes. We had to almost -- we had</p> <p>21 to close our doors.</p> <p>22 Q. When was that?</p> <p>23 A. Last year we had to stop taking</p> <p>24 cases because we had too many and our staff</p> <p>25 couldn't handle. We initially got to that</p>
<p style="text-align: right;">Page 107</p> <p>1 money to Project 180?</p> <p>2 A. No.</p> <p>3 Q. And are all the events that you</p> <p>4 described there, those are all under the</p> <p>5 Project 180 umbrella?</p> <p>6 A. Correct.</p> <p>7 Q. And how do you keep track of</p> <p>8 graduates over time?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: You would do</p> <p>11 recidivism studies.</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. And what do those entail?</p> <p>14 A. A recidivism study is when you</p> <p>15 would run a record check and determine if</p> <p>16 that person recidivated, basically picked up</p> <p>17 a new offense.</p> <p>18 Q. Aside from that, do you also -- it</p> <p>19 sounds like there's an alumni network, things</p> <p>20 like that. Do you do any sort of informal or</p> <p>21 less formal tracking of where people are, how</p> <p>22 they're doing?</p> <p>23 A. No. That would be a case study</p> <p>24 and just very difficult to do.</p> <p>25 Q. Even not as a case study, do you</p>	<p style="text-align: right;">Page 109</p> <p>1 point previously -- I do not recall the exact</p> <p>2 year, and then we, as a court, realized that</p> <p>3 there's more need, so we added an additional</p> <p>4 probation staff and we added an additional</p> <p>5 case manager. And they have been going</p> <p>6 pretty steady.</p> <p>7 We're always trying to ask for</p> <p>8 more money, ask for more staff, because that</p> <p>9 means we can take in more clients and treat</p> <p>10 more individuals.</p> <p>11 Q. And when you say you're asking for</p> <p>12 more money and more staff, who are you making</p> <p>13 that request to?</p> <p>14 A. I have a conversation a lot of</p> <p>15 times with the Corrections Planning Board,</p> <p>16 which is our grant writer. And they're</p> <p>17 probably pretty much involved with more of</p> <p>18 the higher-ups, with the courts and the</p> <p>19 county.</p> <p>20 Q. And so this new case manager and</p> <p>21 the additional probation staff, how many</p> <p>22 people are on probation that have been hired?</p> <p>23 A. I'm sorry. How many people have</p> <p>24 they hired?</p> <p>25 Q. Yeah. If I heard you correctly,</p>

<p style="text-align: right;">Page 110</p> <p>1 there's one new case manager that was hired, 2 and then I believe you just said "new 3 probation staff." I'm trying to figure out 4 how many people. 5 A. A new, so there was one new case 6 manager and one new probation officer, 7 because they kind of go hand in hand with 8 supervising. So we just kind of ate that 9 cost. We didn't apply for additional grant 10 funding. We just really tried to do our 11 best. 12 Q. So when you say you "ate that 13 cost," where is that money coming from? 14 A. Meaning that we -- I don't really 15 know necessarily how they got the funds. But 16 I know that the Corrections Planning Board -- 17 a lot of times they look at it as like 18 applying for outside grant funding. Our 19 Corrections Planning Board applies requests 20 for local funding right through our county or 21 other agencies, so -- 22 Q. So I want to understand. The 23 funds that were used to pay for the case 24 manager and the probation officer, were those 25 grant funds that were used to pay?</p>	<p style="text-align: right;">Page 112</p> <p>1 need to add additional specialty docket 2 judges, possibly another me, because I 3 oversee three dockets, so -- 4 Q. The question was a little bit more 5 specific. 6 A. Okay. 7 Q. Just thinking back to 2009 and 8 then sort of marching through the years, what 9 is the cap of the number of clients that the 10 Drug Court has been able to serve? How has 11 that changed over those years? 12 MR. BADALA: Objection to form. 13 THE WITNESS: Why are we doing 14 2009? Because that's when I started 15 working there? 16 BY MR. RUIZ: 17 Q. Isn't that when the County Drug 18 Court started? 19 A. Okay. So say your question again. 20 Q. Let's just narrow it. 21 In 2009, do you know how many 22 clients you were able to serve, not how many 23 you actually did, but what your maximum 24 capacity was? 25 MR. BADALA: Objection to form.</p>
<p style="text-align: right;">Page 111</p> <p>1 A. I don't know necessarily. 2 Q. Who would know? 3 A. The court would know. 4 Q. Well, if we wanted to ask a 5 specific person, which person should we go 6 to? 7 A. Marty Murphy, who heads the 8 Corrections Planning Board. And I'm blanking 9 on her name, but she handles the financial 10 side of the court, so possibly her. 11 Q. And you said the Drug Court can 12 handle up to 150 clients? 13 A. Each docket or individually? 14 Q. I think you said total. But is 15 that right? 16 A. Around that, yes. 17 Q. Do you have a sense of how that 18 has changed over time? 19 A. Yes. 20 Q. How has that changed since 2009? 21 A. So we applied for additional 22 funding to add another judge. We applied for 23 additional funding to just treat opiate use, 24 so a whole 'nother docket. We are constantly 25 having conversations with the court about a</p>	<p style="text-align: right;">Page 113</p> <p>1 THE WITNESS: I do not. 2 BY MR. RUIZ: 3 Q. Do you know how many clients you 4 actually did serve? 5 A. They have it in record, yes. 6 Q. But you don't know off the top of 7 your head? 8 A. No, I don't. I'm sorry. 9 THE VIDEOGRAPHER: Is this a good 10 time to break? 11 (Discussion held.) 12 THE VIDEOGRAPHER: We're off the 13 record, 12:30. 14 (Recess taken.) 15 ----- 16 AFTERNOON SESSION 17 ----- 18 THE VIDEOGRAPHER: We're back on 19 the record. 1:07. 20 BY MR. RUIZ: 21 Q. All right, Ms. Leckler. We were 22 talking about the number of participants in 23 the Drug Court program. 24 Currently, up to 150 participants 25 in the Drug Court program; is that right?</p>

<p style="text-align: right;">Page 114</p> <p>1 A. Give or take, yes.</p> <p>2 Q. Do you recall if it's been -- if</p> <p>3 that has been a fairly steady number over the</p> <p>4 prior nine years of the program?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: It has steadily</p> <p>7 increased.</p> <p>8 BY MR. RUIZ:</p> <p>9 Q. Okay.</p> <p>10 Do you have a sense for what that</p> <p>11 number was in 2009?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I do not have the</p> <p>14 exact figure.</p> <p>15 BY MR. RUIZ:</p> <p>16 Q. Can you provide an estimate?</p> <p>17 A. That was so many years ago, I</p> <p>18 don't know.</p> <p>19 Q. Has it doubled, do you think?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I know that it has</p> <p>22 steadily increased due to the fact that</p> <p>23 we've steadily added more staff to help</p> <p>24 combat the intakes.</p> <p>25</p>	<p style="text-align: right;">Page 116</p> <p>1 specialty docket on our end.</p> <p>2 Q. And was there something specific</p> <p>3 that Cuyahoga was seeing that made them</p> <p>4 believe they needed a specialty docket at the</p> <p>5 county level?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: I don't know.</p> <p>8 BY MR. RUIZ:</p> <p>9 Q. Do you know why they -- why</p> <p>10 Cuyahoga didn't have a Drug Court program</p> <p>11 earlier?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I know that -- the</p> <p>14 discussions of many years ago, starting</p> <p>15 a Drug Court program, and why the county</p> <p>16 initially turned it away.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. Why is that?</p> <p>19 A. That was just more of</p> <p>20 administration. I think that, from my</p> <p>21 understanding, and hearing those that worked</p> <p>22 at the court prior to me, there was an</p> <p>23 understanding of being more tough on crime,</p> <p>24 especially on the felony level. That's kind</p> <p>25 of definitely changed over the years. And</p>
<p style="text-align: right;">Page 115</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. But you don't have a sense of</p> <p>3 whether it's -- in 2009, it was greater than</p> <p>4 the 75 people in passing?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I don't.</p> <p>7 BY MR. RUIZ:</p> <p>8 Q. What's your understanding of why</p> <p>9 the Drug Court was started in 2009?</p> <p>10 A. My understanding of why Drug Court</p> <p>11 was started in 2009 was that Cleveland Drug</p> <p>12 Court had functioned for a number of years,</p> <p>13 and the county really needed that program on</p> <p>14 their end.</p> <p>15 (Interruption in proceedings.)</p> <p>16 MR. RUIZ: This is quite the day.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. So I believe I asked you why the</p> <p>19 Drug Court had been started in 2009, and you</p> <p>20 said that you had had experience in Cleveland</p> <p>21 with their Drug Court, and it was then</p> <p>22 expanded through -- through the creation of</p> <p>23 the Cuyahoga Drug Court.</p> <p>24 Is that more or less right?</p> <p>25 A. Yes. Yes. We needed this</p>	<p style="text-align: right;">Page 117</p> <p>1 being smart -- more smart on crime.</p> <p>2 Q. When you were working at the</p> <p>3 Cleveland Drug Court, do you recall any</p> <p>4 particular kinds of drugs that were more</p> <p>5 prevalent than others in terms of your</p> <p>6 clients?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. RUIZ:</p> <p>10 Q. What were they?</p> <p>11 A. Back then, it was primarily crack</p> <p>12 cocaine.</p> <p>13 Q. Okay. Any others?</p> <p>14 A. We had a number of marijuana cases</p> <p>15 because it was a misdemeanor court.</p> <p>16 Q. What about the Cuyahoga Drug Court</p> <p>17 in 2009? Was there a dDrug Court that was</p> <p>18 more prevalent than others?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: I can't say which</p> <p>21 one was more dominant in 2009.</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. Do you remember prescription drugs</p> <p>24 being discussed around that time?</p> <p>25 MR. BADALA: Objection to form.</p>

<p style="text-align: right;">Page 118</p> <p>1 THE WITNESS: I do not.</p> <p>2 BY MR. RUIZ:</p> <p>3 Q. If you could turn your attention</p> <p>4 back to Exhibit 1.</p> <p>5 A. Okay.</p> <p>6 Q. And if you look at the page</p> <p>7 numbers at the bottom, 219.</p> <p>8 A. Okay.</p> <p>9 Q. I want to just run through --</p> <p>10 you've used the term "Drug Court team" a few</p> <p>11 times today. I want to nail down what</p> <p>12 exactly that means.</p> <p>13 A. Okay.</p> <p>14 Q. When you use the term "Drug Court</p> <p>15 team," is that the same as -- the same people</p> <p>16 that are on the Drug Court staff on this page</p> <p>17 and the next page?</p> <p>18 A. That is correct.</p> <p>19 Q. And how many probation officers --</p> <p>20 we'll start all the way at the top. There's</p> <p>21 two judges? Between Drug Court and Recovery</p> <p>22 Court, there are two judges?</p> <p>23 A. Yes.</p> <p>24 Q. How many probation officers?</p> <p>25 A. Across both Recovery Court and</p>	<p style="text-align: right;">Page 120</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. Would Mr. Murphy be the right</p> <p>3 person to talk to?</p> <p>4 A. He may. I'm not sure.</p> <p>5 Q. But you don't know who the right</p> <p>6 person to talk to is?</p> <p>7 A. I don't.</p> <p>8 Q. Okay.</p> <p>9 These five probation officers, are</p> <p>10 they dedicated solely to Drug Court-related</p> <p>11 work, or do they also have other clients?</p> <p>12 A. Solely Drug Court.</p> <p>13 Q. Can we turn to the next page.</p> <p>14 There's a TASC case manager.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And how many TASC case managers</p> <p>18 are there for the Drug Court?</p> <p>19 A. Three.</p> <p>20 Q. And how many for the Recovery</p> <p>21 Court?</p> <p>22 A. Two.</p> <p>23 And to also clarify, there's one</p> <p>24 other TASC person that is involved, and</p> <p>25 that's our assessment specialist.</p>
<p style="text-align: right;">Page 119</p> <p>1 Drug Court?</p> <p>2 Q. Yes. Let's actually split them</p> <p>3 up.</p> <p>4 A. Okay.</p> <p>5 Q. So how many are on Drug Court?</p> <p>6 A. So on Drug Court in the morning</p> <p>7 docket, there's two. And in the afternoon,</p> <p>8 there's one.</p> <p>9 Q. For Recovery?</p> <p>10 A. For Recovery Court, there is two.</p> <p>11 Q. Okay. And those probation</p> <p>12 officers, are they court employees? Do you</p> <p>13 know?</p> <p>14 A. Yes.</p> <p>15 Q. They are court employees?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know whether they're -- are</p> <p>18 they salary?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know whether their salaries</p> <p>21 are paid from the Cuyahoga County general</p> <p>22 fund or whether they are paid from grant</p> <p>23 funding?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I do not.</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Okay.</p> <p>2 And is that the person we were</p> <p>3 talking about earlier that does the DSM-5</p> <p>4 diagnoses?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay.</p> <p>7 I believe we were saying earlier</p> <p>8 that -- I believe you testified earlier that</p> <p>9 the TASC employees are employees of the</p> <p>10 court; is that right?</p> <p>11 A. That is correct.</p> <p>12 Q. Do you know if they are salaried</p> <p>13 employees?</p> <p>14 A. Yes.</p> <p>15 Q. And what about the TASC assessment</p> <p>16 specialist, is that person a salaried</p> <p>17 employee as well?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know whether the TASC</p> <p>20 personnel are paid through general revenue</p> <p>21 funding or grant funding?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: I do not.</p> <p>24 BY MR. RUIZ:</p> <p>25 Q. Do you know who we should talk to</p>

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1 to get the answer to that question?

2 A. I would start with Marty Murphy.

3 Q. The next category there is

4 "Treatment provider"?

5 A. Yes.

6 Q. You gave us a number of

7 organizations that the Drug Court partners

8 with to provide treatment; is that right?

9 A. Yes.

10 Q. And are any of those treatment

11 providers employees of the court system?

12 A. No.

13 Q. Okay.

14 Do you know whether any of the

15 services that those treatment providers

16 provide are paid for with Cuyahoga County

17 general fund dollars?

18 A. I do not.

19 Q. Okay.

20 Would Mr. Murphy be the right

21 person to talk to for that?

22 A. You could start there. Also,

23 treatment centers in Cuyahoga County, local

24 ADAMHS Board provides funds to a lot of the

25 treatment centers. So they may be. I just

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1 don't know.

2 Q. Is there anyone else within the

3 Drug Court -- sorry -- just within the court

4 system who we could talk to to determine how

5 the funding flows?

6 A. I'm not sure. I don't know.

7 Q. Up next is the prosecutor.

8 A. Okay.

9 Q. And I think we established earlier

10 that the prosecutor is not a court employee,

11 but is a part of a different agency within

12 the Cuyahoga government?

13 A. The Cuyahoga County Prosecutor's

14 Office.

15 Q. Yes. How many prosecutors are

16 involved in Drug Court?

17 A. One that is directly on the

18 staffing team. And there's a number of -- he

19 has a number of supervisors.

20 Q. Okay.

21 The next person on the staff team

22 is defense counsel?

23 A. Correct.

24 Q. Is that always a public defender?

25 A. No, it is not.

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1 Q. About how often is it not a public

2 defender?

3 MR. BADALA: Objection to form.

4 THE WITNESS: Rarely.

5 BY MR. RUIZ:

6 Q. Rarely, okay.

7 And is the public defender's

8 office a part of the Cuyahoga County court

9 system?

10 A. They work for the Cuyahoga County

11 Public Defender's Office. We initially just

12 had one, and we in the past year and a half

13 added an additional public defender to just

14 work on the Recovery Court side. And we have

15 another public defender that works on the

16 Drug Court side, both morning and afternoon.

17 Q. So they are not considered court

18 employees, to your knowledge?

19 A. No. They work for the Cuyahoga

20 County Public Defender's Office.

21 Q. Do you know how the funding for

22 the Cuyahoga County Public Defender's

23 Office -- where it comes from?

24 A. I do not.

25 Q. Okay.

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1 Do you know who would be the right

2 person to talk to about that?

3 A. I do not.

4 Q. Then if you turn the page over,

5 the last one is "Coordinator"?

6 A. Yes.

7 Q. And that's you?

8 A. That is me.

9 Q. Do you spend 100 percent of your

10 time as a court employee on the Drug and

11 Recovery Court?

12 A. Yes.

13 Q. Okay. And are you a salaried

14 employee?

15 A. Yes.

16 Q. And do you know if your salary is

17 paid through grant funds or the general

18 revenue fund?

19 MR. BADALA: Objection, form.

20 THE WITNESS: I do not.

21 BY MR. RUIZ:

22 Q. Do you know who we could talk to

23 to find that out?

24 A. I would start with the same as

25 previously.

<p style="text-align: right;">Page 126</p> <p>1 Q. Mr. Murphy?</p> <p>2 A. And then work to the court</p> <p>3 administration, yes.</p> <p>4 Q. Okay.</p> <p>5 Now, if you look at the page that</p> <p>6 ends in 222?</p> <p>7 A. Okay.</p> <p>8 Q. And it says -- near the top there,</p> <p>9 it says, "Drug Court phases."</p> <p>10 And I believe you mentioned</p> <p>11 earlier there are five phases in the program;</p> <p>12 is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Could you just take a look through</p> <p>15 these really quick and then let me know if</p> <p>16 this is still true today?</p> <p>17 A. Sure.</p> <p>18 Q. Is it?</p> <p>19 A. Oh, I'm sorry. I thought you were</p> <p>20 saying you were going to go through.</p> <p>21 It is -- there are some changes.</p> <p>22 Like I said previously, we added the Project</p> <p>23 180. More specifically, we added Project 180</p> <p>24 as a requirement in phase 2, 3, and 4.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. And do you know where that money</p> <p>2 goes when they pay it?</p> <p>3 A. It goes to the probation</p> <p>4 department.</p> <p>5 Q. Okay. Great.</p> <p>6 You can put that aside.</p> <p>7 A. Okay.</p> <p>8 Q. Ms. Leckler, earlier you mentioned</p> <p>9 a Drug Court Advisory Board.</p> <p>10 Could you tell us what that is?</p> <p>11 A. It's just that it's an advisory</p> <p>12 board that meets quarterly, sometimes just</p> <p>13 three times a year, that advises the Drug</p> <p>14 Court program. It talks about their</p> <p>15 progress. It talks about what additional</p> <p>16 funds we need. Sometimes we may vote on --</p> <p>17 on starting something.</p> <p>18 MR. RUIZ: Okay. Let's show you</p> <p>19 what's been marked as Leckler Exhibit 2.</p> <p>20 (Drug Court Advisory Board Meeting</p> <p>21 Minutes, Bates CUYAH_000117415</p> <p>22 through CUYAH_000117420, marked as</p> <p>23 Deposition Exhibit 2.)</p> <p>24 THE WITNESS: I have short arms.</p> <p>25 MR. BADALA: I don't have much</p>
<p style="text-align: right;">Page 127</p> <p>1 A. Mostly, in --</p> <p>2 Q. Go ahead.</p> <p>3 A. Mostly, in general, it's pretty</p> <p>4 much the same thing.</p> <p>5 Q. And the Project 180 requirements</p> <p>6 are to attend Project 180 events. Is that --</p> <p>7 A. Correct.</p> <p>8 Q. And if we could turn back to</p> <p>9 page 218 -- I actually forgot to ask you</p> <p>10 about one of these.</p> <p>11 Do you remember that I asked you</p> <p>12 about court fines and restitution?</p> <p>13 A. Yes.</p> <p>14 Q. The third thing on that bullet is</p> <p>15 supervision fees.</p> <p>16 A. Yes.</p> <p>17 Q. And what are supervision fees?</p> <p>18 A. Supervision fees are \$20 per</p> <p>19 month. And it's for the duration that you're</p> <p>20 on community controlled supervision for.</p> <p>21 So if somebody, for example,</p> <p>22 completes the program in 13 months, they only</p> <p>23 pay 20 per month. If they complete it in 14</p> <p>24 months, 16 months, it will coincide with</p> <p>25 that.</p>	<p style="text-align: right;">Page 129</p> <p>1 longer arms.</p> <p>2 MR. RUIZ: Yeah, between the two</p> <p>3 of us --</p> <p>4 MR. BADALA: It wasn't going to</p> <p>5 work.</p> <p>6 BY MR. RUIZ:</p> <p>7 Q. It's CUYAH_000117415.</p> <p>8 A. Okay.</p> <p>9 Q. And you see there at the top, it's</p> <p>10 dated October 31st, 2014?</p> <p>11 A. Yes.</p> <p>12 Q. Does the advisory board still meet</p> <p>13 today?</p> <p>14 A. Yes.</p> <p>15 Q. And how often does it meet?</p> <p>16 A. It meets right before a Drug Court</p> <p>17 graduation, which is three times a year.</p> <p>18 Q. And can you remember when the Drug</p> <p>19 Court Advisory Board meetings first began?</p> <p>20 A. I cannot give the exact date, no.</p> <p>21 Q. Was it sometime after -- well, let</p> <p>22 me ask it this way. Did they begin when the</p> <p>23 Drug Court program started in 2009?</p> <p>24 A. I don't know.</p> <p>25 And I will say that initially,</p>

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1 when the county program started, instead of
 2 recreating the wheel, we collaborated with
 3 Cleveland Municipal Court. Therefore, a lot
 4 of times it was the same. We met
 5 collaboratively together, until we have
 6 consistently grown and decided to develop our
 7 own advisory board.
 8 Q. Do you remember when that was,
 9 when you created your own advisory board?
 10 A. I don't.
 11 Q. Now, you see there's a list of
 12 attendees at this meeting?
 13 A. Yes.
 14 Q. If we could just run through them
 15 really quick.
 16 Who is John Lewis?
 17 A. He is the chairman -- the chair of
 18 the advisory board.
 19 Q. Does he have any other role in the
 20 Drug Court?
 21 A. No.
 22 Q. What's his day job?
 23 A. He is a businessman.
 24 Q. Do you know how he got the role of
 25 chairman?

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1 A. I know that he is just involved in
 2 the community and helping other agencies on
 3 other advisory boards for treatment centers
 4 and things like that. I believe he's in
 5 recovery as well.
 6 Q. Okay.
 7 Then we have the two judges and
 8 you. And then there's Bill Kelly. Who is
 9 Bill Kelly?
 10 A. Bill Kelly is our public defender.
 11 Q. Okay. What about Gail Long?
 12 A. She's a community person, somebody
 13 in the community.
 14 Q. And are these meetings open to the
 15 public?
 16 A. Yes. I guess -- yeah.
 17 Q. Okay. What about Stanley Miller?
 18 A. I forget what Stanley Miller's
 19 title is.
 20 Q. Does he work for the court?
 21 A. He does not work for the court.
 22 Q. Let me ask it this way, then: Are
 23 there any other attendees listed here who are
 24 court employees?
 25 A. Yes.

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1 Q. Who are they?
 2 A. Bradie Williams was a former TASC
 3 supervisor.
 4 Q. Okay.
 5 A. Karin Kistemaker was a former TASC
 6 case manager. Martin Murphy works for the
 7 Corrections Planning Board.
 8 Q. And that's the Mr. Murphy we've
 9 been talking about?
 10 A. That's the one.
 11 Sarah McGuire is a former employee
 12 of TASC. Diane Jackson is a secretary to
 13 Judge David T. Matia. Lawrence Acton is the
 14 staff attorney to Judge Joan Synenberg.
 15 Laura DePompei is the former bailiff to
 16 Judge Joan Synenberg. Brian Murphy was the
 17 former prosecutor in the Drug Court program.
 18 And Teresa Egan works for TASC and myself.
 19 Q. Got it.
 20 So we said that -- we previously
 21 said that the TASC employees are salaried,
 22 right?
 23 A. That is correct.
 24 Q. Okay.
 25 Do you know whether

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1 Judge Synenberg's staff attorney is salary or
 2 not?
 3 A. I don't know.
 4 Q. And I believe you said Laura
 5 DePompei was the court reporter -- is that
 6 what you said?
 7 A. No, the bailiff.
 8 Q. Bailiff. Sorry.
 9 A. That's fine.
 10 Q. Do you know if she's a --
 11 A. Yes.
 12 Q. -- salaried employee?
 13 A. Yes.
 14 Q. Okay.
 15 Did you get any extra pay for
 16 being a part of the Drug Court Advisory
 17 Board?
 18 A. No.
 19 Q. Do you know if any of the other
 20 Drug Court employees got any extra pay?
 21 A. No.
 22 Q. And I see right here is Dr. Tom
 23 Gilson. Who is that?
 24 A. Dr. Tom Gilson is our medical --
 25 the County Medical Examiner.

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1 Q. Do you trust his judgment on
2 opioid-related issues?
3 MR. BADALA: Objection to form.
4 THE WITNESS: Yes.
5 BY MR. RUIZ:
6 Q. If you look to the third box down,
7 there's discussion about pill drop boxes?
8 A. Yes.
9 Q. The first bullet there says:
10 "Miguel Caraballo reviewed that
11 10,000 pounds of pills have been
12 retrieved from the drop boxes so far
13 in 2014."
14 And then two bullets after that,
15 it says: "Ten more boxes are being
16 purchased."
17 Were you involved at all in the
18 purchase of drug drop boxes?
19 A. Me personally?
20 Q. Yeah.
21 A. No.
22 Q. Do you know if members of the
23 court are involved in this program?
24 MR. BADALA: Objection to form.
25 THE WITNESS: Yes.

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1 BY MR. RUIZ:
2 Q. Who would that be?
3 A. It says right here, Judge Matia.
4 Judge Matia was instrumental in the drop box
5 program here in Cuyahoga County.
6 Q. And when you say that, what did he
7 do exactly?
8 A. So basically he met with all the
9 law enforcement agencies to ensure that they
10 installed boxes across the county.
11 Q. Did the Cuyahoga County Court of
12 Common Pleas -- are they involved in the
13 purchase of the drop boxes at all?
14 MR. BADALA: Objection to form.
15 THE WITNESS: I don't know.
16 BY MR. RUIZ:
17 Q. Do you know if they paid for them?
18 A. I don't know.
19 Q. Who would be the right person to
20 ask for that?
21 A. Well, I would start with Marty
22 Murphy. I would also start with whomever has
23 the drop boxes at their facilities.
24 Q. We've touched on this a little bit
25 so far today, but I want to get into it in a

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1 little bit more detail, which is how the Drug
2 Court is actually funded.
3 You've said there are different
4 grants that fund the Drug Court; is that
5 right?
6 A. Yes.
7 Q. What are the main ones that you
8 can recall?
9 MR. BADALA: Objection to form.
10 THE WITNESS: I would say -- the
11 largest sum, or the main sum?
12 BY MR. RUIZ:
13 Q. Let's say the largest.
14 A. So since we are certified
15 specialty docket, we were eligible to apply
16 for ATP funds, which means Addiction
17 Treatment Program funds, that OMHAS had
18 distributed across the state, OMHAS being the
19 statewide kind of ADAMHS Board, as you would
20 understand. Those are just to treat those
21 with opiate addiction.
22 We can use those funds to help pay
23 for treatment, to help pay for pretty much
24 everything but medication not pertaining to
25 medication-assisted treatment.

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1 Q. And why can't you use it for
2 medication-assisted treatment?
3 A. We can use it for
4 medication-assisted treatment, everything but
5 the medication-assisted treatment.
6 Q. Got it. I misunderstood.
7 What other grant sources do you
8 have?
9 A. So we apply for federal funds if
10 we are eligible through SAMHSA. They are
11 called CSAP grants. And we have a very great
12 staff of grant writers. And we apply.
13 Sometimes we get them, sometimes we don't.
14 Q. Who tracks all of the funding for
15 the Drug Courts?
16 A. Mostly the Corrections Planning
17 Board.
18 Q. Is there a person in particular?
19 A. Marty Murphy.
20 Q. Marty Murphy.
21 Do you have any idea how it's
22 tracked?
23 A. I do not.
24 Q. Does the Drug Court bill Medicaid
25 for any costs that the Drug Court incurs?

<p style="text-align: right;">Page 138</p> <p>1 A. Drug Court TASC case managers do</p> <p>2 bill Medicaid.</p> <p>3 Q. And what do you know about that?</p> <p>4 A. I do not know much.</p> <p>5 Q. Do you know the -- do you know</p> <p>6 what kind of services they bill for?</p> <p>7 A. I don't. I just know they call it</p> <p>8 "billable services."</p> <p>9 Q. And who would be the right person</p> <p>10 to talk to about that?</p> <p>11 A. You want me to say the name again?</p> <p>12 Q. Yeah.</p> <p>13 A. Marty Murphy.</p> <p>14 Q. I was wondering maybe because it</p> <p>15 was TASC, it might be someone different.</p> <p>16 A. No. Because, remember, he</p> <p>17 oversees.</p> <p>18 Q. Right. Okay.</p> <p>19 Do some of your clients have</p> <p>20 insurance, private insurance?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. RUIZ:</p> <p>24 Q. Does the Drug Court bill insurance</p> <p>25 when it can for any costs that it incurs?</p>	<p style="text-align: right;">Page 140</p> <p>1 participate in -- does that makes sense? --</p> <p>2 that we don't bill for.</p> <p>3 Q. If there's a service that the Drug</p> <p>4 Court provides and they wanted to see if the</p> <p>5 person's insurance -- so let me maybe back</p> <p>6 this up.</p> <p>7 Do you -- for testing or some kind</p> <p>8 of assessment, things like that, would you</p> <p>9 bill the client? Do you send the client a</p> <p>10 bill for any services that are rendered?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. RUIZ:</p> <p>14 Q. How would you go about finding</p> <p>15 whether that person's insurance might cover</p> <p>16 some of the services?</p> <p>17 A. It's way beyond my pay grade. I</p> <p>18 don't know. I don't know.</p> <p>19 Q. And who would handle that?</p> <p>20 A. Well, I would start with Marty</p> <p>21 Murphy. Medicaid is a bit ever evolving, so</p> <p>22 there's sometimes -- there's changes always</p> <p>23 made to it as well, so --</p> <p>24 Q. Okay. I'm not talking about</p> <p>25 Medicaid, though. I'm talking about --</p>
<p style="text-align: right;">Page 139</p> <p>1 A. When you say "the Drug Court," do</p> <p>2 you mean like the probation time and drug</p> <p>3 testing and things like that, or what -- you</p> <p>4 have to be -- be more specific. We have to</p> <p>5 be more specific, because there's different</p> <p>6 services that sustain the project that you</p> <p>7 don't -- you can't bill for. So --</p> <p>8 Q. If I can back up.</p> <p>9 A. Okay.</p> <p>10 Q. Just generally, are there any</p> <p>11 costs that are incurred by the Drug Court</p> <p>12 program that you might bill? I'm not asking</p> <p>13 what they are. Just are there some costs</p> <p>14 that the Drug Court might incur that you</p> <p>15 would bill to insurance?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: I don't know.</p> <p>18 BY MR. RUIZ:</p> <p>19 Q. Okay. Well, go ahead.</p> <p>20 A. So if someone went and needed a</p> <p>21 mental health assessment, you know, it might</p> <p>22 be covered by their private insurance. I</p> <p>23 don't -- you know, so I don't know -- when</p> <p>24 they're involved in the program, there are</p> <p>25 some other things that clients may</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Private insurances?</p> <p>2 Q. -- a person's insurance they might</p> <p>3 have through their employer or through the</p> <p>4 Exchange.</p> <p>5 A. Okay. So usually with private</p> <p>6 insurance, it doesn't cover much. We</p> <p>7 usually -- we pay for -- the county pays for</p> <p>8 their residential stay.</p> <p>9 Q. And when you say the county pays,</p> <p>10 is that paid for from the court budget or is</p> <p>11 that through grant funding?</p> <p>12 A. All.</p> <p>13 Q. All?</p> <p>14 A. Uh-huh.</p> <p>15 Q. And do you know, is the</p> <p>16 Corrections Planning Board the one that keeps</p> <p>17 track of how all of those payments flow?</p> <p>18 A. Yes, and also the local ADAMHS</p> <p>19 Board.</p> <p>20 Q. And actually, earlier I asked you</p> <p>21 whether the Drug Court bills Medicaid for any</p> <p>22 costs, and you mentioned TASC case managers</p> <p>23 will bill Medicaid sometimes.</p> <p>24 Is there anything else that the</p> <p>25 Drug Court might bill Medicaid for?</p>

<p style="text-align: right;">Page 142</p> <p>1 A. So I'm trying to understand your 2 question, because -- so, for example, if 3 somebody goes to a treatment agency and they 4 are eligible for Medicaid dollars, that 5 treatment agency may bill for Medicaid. They 6 also may bill us if they're not on Medicaid. 7 Does that make sense? So -- 8 Q. So let me just make sure that I 9 understand. 10 If a client is -- during, for 11 instance, a residential treatment program, 12 that program may bill Medicaid directly, or 13 if they cannot do that, they may bill the 14 Drug Court and ask for payment that way? 15 I believe that's what you just 16 said, but correct me if I'm wrong. 17 MR. BADALA: Objection to form. 18 THE WITNESS: Yes. 19 BY MR. RUIZ: 20 Q. Okay. 21 And earlier you said there was a 22 financial administrative assistant at the 23 court whose name you cannot remember? 24 A. Yes. 25 Q. Is her name Doreen Mittinger?</p>	<p style="text-align: right;">Page 144</p> <p>1 funds towards certain projects, whether it be 2 Project Dawn, some of -- they work with the 3 hospitals. They do a lot of things. 4 If someone is in need of services, 5 if you contact your ADAMHS Board, they can 6 connect you to that -- whatever service it is 7 that you need. 8 Q. Okay. 9 If you look at the second bullet 10 there near the bottom, it says: 11 "The ADAMHS Board provides 12 \$325,000 a year to Drug Court, and 13 that is shared between the county and 14 the Municipal Drug Court." 15 A. Uh-huh. 16 Q. Is that still true today? 17 A. That is. 18 Q. And what's the relationship 19 between the Municipal Drug Court and the 20 County Drug Court? 21 A. The relationship is they both fall 22 under the umbrella of Cuyahoga County. So 23 therefore, we share funds. Because the 24 ADAMHS Board cannot, you know, allocate 25 X amount here and X amount there when their</p>
<p style="text-align: right;">Page 143</p> <p>1 A. No. 2 Q. No? Okay. 3 A. Doreen works for TASC. 4 Q. Okay. 5 So let's look back at the exhibit. 6 And if you look at the next page, which is 7 416 at the bottom? 8 A. Okay. 9 Q. In the second box, the first 10 bullet, it's talking about money given from 11 the ADAMHS Board. 12 And what is the ADAMHS Board? 13 A. The ADAMHS Board basically is -- 14 I'm trying to remember all of what each 15 letter stands for, so -- 16 Q. Don't worry about that. 17 A. Okay. 18 Q. So just generally, what do they 19 do? 20 A. Just basically, the ADAMHS Board 21 is primarily where most of the funding for 22 Drug Court is funneled through. It's a 23 county agency. And they also monitor and 24 distribute funds to the treatment agencies, 25 to the detox facilities. They may allocate</p>	<p style="text-align: right;">Page 145</p> <p>1 end goal is just to treat as many clients as 2 possible. 3 Like I stated before, we used to 4 share the same advisory board. They kind of 5 go hand-in-hand in the sense that the biggest 6 difference is they deal with misdemeanor 7 offenses, where we deal with adult felony 8 offenses. They are their own certified Drug 9 Court, though. 10 Q. Other than ADAMHS Board funding, 11 are there other resources that are shared 12 between the two courts? 13 A. Not that I'm aware of. I'm sure 14 that they use -- they refer clients to like 15 Project Dawn and things like that, but -- 16 Q. When the ADAMHS Board gives 17 funding to the two courts, does it specify 18 how much is for each court, or how does that 19 work? 20 A. No. 21 Q. So how does it work in terms of 22 who gets what portion of the funding? 23 A. Just whatever. When there's a 24 need, demand, then there's a ... 25 Q. When there's a demand, when you</p>

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1 want to use some of the funds, for instance,
 2 what is the process like to use those funds?
 3 MR. BADALA: Objection to form.
 4 THE WITNESS: More specifically,
 5 how the bills are submitted, that
 6 would --
 7 BY MR. RUIZ:
 8 Q. Let me back that up.
 9 I'm trying to get at the
 10 coordination between the two courts.
 11 A. Yes.
 12 Q. So you have a big pot of money
 13 between the two of you.
 14 A. Yes.
 15 Q. How do you -- how does someone
 16 say, "I need this much. I don't need this
 17 much"? How does that work out?
 18 A. The ADAMHS Board just distributes
 19 the money. So any invoices that come in, the
 20 ADAMHS Board pays it out. Also, the
 21 Corrections Planning Board oversees the
 22 accounting of that. So, therefore, that
 23 would -- they kind of oversee it, if that's
 24 what you mean.
 25 Q. And when the ADAMHS Board provides

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1 this funding, it's not like they're giving
 2 you a check for the total amount. Instead,
 3 you're telling them, we've spent this much
 4 and then they reimburse you? Is that how it
 5 works?
 6 A. Absolutely, yeah.
 7 Q. Okay.
 8 A. There's a lot of funds, though,
 9 that -- I -- not everything is billed through
 10 the ADAMHS Board.
 11 Q. Yeah. I totally get that.
 12 A. Okay.
 13 Q. But just in terms of how you
 14 access the money, it's not the ADAMHS Board
 15 gives you the money first and then you go
 16 spend it.
 17 A. Yeah.
 18 Q. It flows in the opposite
 19 direction?
 20 A. Yeah. It's a contract. And then
 21 the ADAMHS Board has contracts with the
 22 agencies on it, MOUs with the courts, with
 23 the Corrections Planning Board and the
 24 treatment agencies.
 25 Q. Okay.

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1 A. So they go -- you know, in-county,
 2 they have to go after -- what is it called?
 3 -- the IRB, I believe, or something like
 4 that, where you cannot just like -- you
 5 cannot just be a company and say, "Hey, I'm
 6 going to provide services." It has to go
 7 through a process.
 8 Q. Got it. The very next bullet
 9 says:
 10 "Most clients need IOP with a
 11 residential support."
 12 A. Uh-huh.
 13 Q. Is that intensive outpatient
 14 procedure?
 15 A. No. It's with residential
 16 support, meaning they live at the facility.
 17 Q. What does IOP stand for?
 18 A. Intensive outpatient treatment.
 19 Q. And then it says:
 20 "And one creative way to pay for
 21 treatment was to pay for the beds
 22 with state money, and then IOP
 23 treatment is paid for with Drug Court
 24 money."
 25 What is that -- can you explain

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1 that sentence for me?
 2 MR. BADALA: Objection to form.
 3 THE WITNESS: So the state has
 4 halfway-house beds. And if -- I do not
 5 know the specific numbers, but if
 6 someone scores an X amount number on
 7 their Ohio Risk Assessment, then they're
 8 eligible to pay for funds through state
 9 beds, meaning halfway-house beds.
 10 There's only a few agencies that have
 11 halfway-house beds.
 12 BY MR. RUIZ:
 13 Q. And then what is Drug Court money?
 14 What is that referring to?
 15 A. What is Drug Court money? It
 16 could mean a few things. But whatever funds,
 17 that's over at the ADAMHS Board for Drug
 18 Court.
 19 Q. Okay.
 20 So it could be ADAMHS Board
 21 funding or -- is it possible that it's
 22 referring to grant funding?
 23 A. Correct.
 24 Q. Okay. Then the next bullet says:
 25 "New funding was received to

<p style="text-align: right;">Page 150</p> <p>1 expand Drug Court to a new docket and</p> <p>2 target a specific population</p> <p>3 (substance use in mental</p> <p>4 health/trauma)."</p> <p>5 That's a reference to the Recovery</p> <p>6 Court?</p> <p>7 A. Correct.</p> <p>8 Q. If you could turn to page 418.</p> <p>9 And it's the fourth bullet on the top box.</p> <p>10 It says:</p> <p>11 "Gail Long inquired if Drug Court</p> <p>12 is on sound financial footing. The</p> <p>13 new SAMHSA grant will pay for new</p> <p>14 staff.</p> <p>15 "Martin Murphy indicated that the</p> <p>16 state biennium budget allowed for all</p> <p>17 supreme court certified specialty</p> <p>18 courts. Every court is given the</p> <p>19 cost of 65 percent of a TASC case</p> <p>20 manager."</p> <p>21 What does that mean, "Every court</p> <p>22 is given the cost of 65 percent of a TASC</p> <p>23 case manager"?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: The state allowed</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Yeah, but only one person.</p> <p>2 Q. Right. There are --</p> <p>3 A. Two.</p> <p>4 Q. Okay.</p> <p>5 A. And it's interesting when you look</p> <p>6 at salaries, because fringe and benefits</p> <p>7 also, as well, because there's salary and</p> <p>8 employee.</p> <p>9 Q. Okay.</p> <p>10 If you look on the very next page,</p> <p>11 this is talking about the Drug Court</p> <p>12 expansion, the Recovery Court. And the first</p> <p>13 full -- sorry, the second full bullet there</p> <p>14 says:</p> <p>15 "Funding is 1.2 million, which</p> <p>16 includes 300,000 from DJA to pay for</p> <p>17 court staff. And the SAMHSA portion</p> <p>18 will pay for treatment at Matt Talbot</p> <p>19 and Stella Maris. Additionally,</p> <p>20 180,000 will come from the ADAMHS</p> <p>21 Board."</p> <p>22 So this is funding specifically</p> <p>23 for the Recovery Court?</p> <p>24 A. That is correct.</p> <p>25 Q. And Matt Talbot and Stella -- is</p>
<p style="text-align: right;">Page 151</p> <p>1 certified specialty dockets to request</p> <p>2 to assist the courts with paying for</p> <p>3 staff members that are bombarded with</p> <p>4 treating these clients and not having a</p> <p>5 means to pay for that staff.</p> <p>6 Unfortunately, it would -- did not</p> <p>7 pay for a full staff member. As you</p> <p>8 see, it's 65 percent. And we already</p> <p>9 had one case manager and needed to add</p> <p>10 an additional one. So that was just a</p> <p>11 little tiny chunk that helped the bigger</p> <p>12 picture.</p> <p>13 BY MR. RUIZ:</p> <p>14 Q. So what this is describing, it</p> <p>15 says, "State funds" --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- "are being used to pay for up</p> <p>18 to 65 percent of a TASC case manager" for the</p> <p>19 Drug Court; is that right?</p> <p>20 A. Correct.</p> <p>21 Q. Okay.</p> <p>22 A. Yes. So it's only a little chunk</p> <p>23 of one person's salary.</p> <p>24 Q. Well, more than half of the</p> <p>25 person's salary?</p>	<p style="text-align: right;">Page 153</p> <p>1 it Maris or Maris?</p> <p>2 A. Correct, Maris.</p> <p>3 Q. Are treatment providers?</p> <p>4 A. Correct.</p> <p>5 Q. So at least a portion of this, it</p> <p>6 looks like, is being used to pay for court</p> <p>7 staff?</p> <p>8 A. Correct.</p> <p>9 Q. For the Recovery Court?</p> <p>10 A. Correct.</p> <p>11 Q. Okay.</p> <p>12 And then a portion is used for the</p> <p>13 treatment providers through the process that</p> <p>14 we were talking about earlier, where the</p> <p>15 treatment providers will contract with the</p> <p>16 Drug Court and then you can then pay for</p> <p>17 services for the clients; is that right?</p> <p>18 A. Correct.</p> <p>19 Q. Okay.</p> <p>20 The very next box, the top bullet,</p> <p>21 says, "Graduation will be held on 11/06."</p> <p>22 A. Uh-huh.</p> <p>23 Q. And the next bullet says:</p> <p>24 "There will be 16 graduates,</p> <p>25 which is a smaller class than usual,</p>

<p style="text-align: right;">Page 154</p> <p>1 but it has some amazing people 2 graduating." 3 This was in 2014. Do you have a 4 sense of what a more usual class size was? 5 A. Usually, on average, we have at 6 least 20. 7 Q. And there's three graduations a 8 year? 9 A. Correct. 10 Q. And are they roughly the same 11 size? 12 A. So -- no. And if I can explain 13 the reason why, it's because we didn't always 14 have that added afternoon docket, so our 15 graduation classes are significantly 16 increasing. We just graduated 29 last 17 month -- I believe it was 29. But we hit our 18 400 mark of graduates that we've had since we 19 started. 20 Q. And I think maybe I phrased the 21 question badly. My question was if you have 22 about 20 graduates in a session, is it 23 usually pretty evenly distributed among the 24 three graduations a year? 25 A. No, because we are ongoingly</p>	<p style="text-align: right;">Page 156</p> <p>1 BY MR. RUIZ: 2 Q. I'm showing you what has been 3 marked as Exhibit 3. It is CUYAH_002045311. 4 I'll give you a second to look it over. 5 Okay. 6 This is an email. You're copied 7 on this email. 8 Do you see that? 9 A. Yes. 10 Q. Who is Maria Nemec? 11 A. Maria Nemec is the chief of the 12 Kent County Probation Department. 13 Q. And if you could turn to the back. 14 A. Okay. 15 Q. All set? 16 A. I believe so. 17 Q. So this is an email from 18 Mr. Murphy. And he's talking about an audit 19 that was done of the court system, right? 20 A. That is correct. 21 Q. And it looks like the audit was 22 done in relation to the BJA/SAMHSA grant? 23 A. Correct. 24 Q. And that's the grant related to 25 the Recovery Court?</p>
<p style="text-align: right;">Page 155</p> <p>1 expanding. Therefore, you have more 2 graduates. That's what I'm trying to say. 3 Q. Got it. 4 And when did that expansion happen 5 for the afternoon docket? 6 A. The expansion happened the end of 7 2016. I don't know the exact year. 8 Q. But so at the time of this 9 document in 2014, there were just the two 10 Drug Court dockets? 11 A. There was Drug Court and Recovery 12 Court had just started, yeah. 13 Q. And so for the Drug Court, there 14 was just the two -- I believe you referred to 15 them as dockets, didn't you? 16 A. Yes. 17 Q. And -- because the afternoon 18 docket hadn't started yet? 19 A. Correct. 20 (Email chain, RE: Cuyahoga County 21 Enhanced Opiate Dependency 22 Services - T1023875, Bates 23 CUYAH_002045311 through 24 CUYAH_002045312, marked as 25 Deposition Exhibit 3.)</p>	<p style="text-align: right;">Page 157</p> <p>1 A. That is correct. 2 Q. And it looks like, the last 3 sentence of the first paragraph, it says: 4 "This audit resulted in an 5 adjustment to this grant in the 6 amount of \$19,634.58." 7 So it looks like they found some 8 more money as a result of the audit? 9 MR. BADALA: Objection to form. 10 THE WITNESS: No. It sounds like 11 the \$19,634.58 was as a result of some 12 funds that could have been billed to 13 Medicaid. 14 So, unfortunately, out of all that 15 money, only \$19,000 could have been 16 billed for Medicaid. 17 BY MR. RUIZ: 18 Q. Right. But -- so that is -- that 19 is \$19,000 that you can now go spend, right, 20 because you can bill it to Medicaid? 21 MR. BADALA: Objection to form. 22 THE WITNESS: Yes. 23 BY MR. RUIZ: 24 Q. Are you done? 25 A. No. I was going to explain</p>

<p style="text-align: right;">Page 158</p> <p>1 something else, but it's okay.</p> <p>2 Q. How often do these audits take</p> <p>3 place? Do you know?</p> <p>4 A. I don't.</p> <p>5 Q. If you look at the second</p> <p>6 paragraph, about the middle of the way, it</p> <p>7 says:</p> <p>8 "We would now like to request a</p> <p>9 no-cost extension for an additional</p> <p>10 six months due to the results in this</p> <p>11 audit."</p> <p>12 What does that mean, to request a</p> <p>13 no-cost extension?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: So basically a</p> <p>16 no-cost extension is that they will</p> <p>17 allow you to utilize your funds that</p> <p>18 were not spent in the allocated time</p> <p>19 frame.</p> <p>20 It's very tricky running federal</p> <p>21 grants, because if I have from January 1</p> <p>22 until December 30th of a year, and say,</p> <p>23 for example, they give you 300,000, and</p> <p>24 they want you to enroll 60 clients, are</p> <p>25 you going to enroll 60 clients in the</p>	<p style="text-align: right;">Page 160</p> <p>1 go to get the money?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I wouldn't say a</p> <p>4 hierarchy. I think there's a rule that</p> <p>5 you should pay for Medicaid funding and</p> <p>6 then other funding deemed necessary.</p> <p>7 BY MR. RUIZ:</p> <p>8 Q. Okay.</p> <p>9 And within the other -- so let's</p> <p>10 say you've exhausted what you can pay for</p> <p>11 through Medicaid. Within the other federal</p> <p>12 and state dollars that you might have access</p> <p>13 to, is there any kind of hierarchy to how you</p> <p>14 access those dollars?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: I don't know.</p> <p>17 Exhausted?</p> <p>18 BY MR. RUIZ:</p> <p>19 Q. Well, let's say you have</p> <p>20 determined everything that you can bill to</p> <p>21 Medicaid and you have other -- you have</p> <p>22 left-over dollars of things that need to be</p> <p>23 reimbursed or paid for that you cannot bill</p> <p>24 Medicaid for. How do you determine which of</p> <p>25 the several grants that you have to seek</p>
<p style="text-align: right;">Page 159</p> <p>1 first month? No. You're going to</p> <p>2 consistently enroll them.</p> <p>3 So therefore, what happens is</p> <p>4 you're enrolling clients in December,</p> <p>5 you need the funds to treat those</p> <p>6 clients because you enrolled those</p> <p>7 clients. So a lot of times you have to</p> <p>8 do a no-cost extension. It's very, very</p> <p>9 common.</p> <p>10 BY MR. RUIZ:</p> <p>11 Q. And that no-cost extension allows</p> <p>12 you to essentially use the funds beyond the</p> <p>13 original deadline?</p> <p>14 A. Absolutely.</p> <p>15 Q. Now, the very next sentence says:</p> <p>16 "We understand the importance of</p> <p>17 utilizing Medicaid as a primary</p> <p>18 source and spending all of the local</p> <p>19 and federal dollars for only those</p> <p>20 clients that are not eligible for</p> <p>21 Medicaid or for services not paid for</p> <p>22 by Medicaid."</p> <p>23 So is there -- when you're looking</p> <p>24 to pay for Drug Court costs, am I right that</p> <p>25 there's essentially a hierarchy of where you</p>	<p style="text-align: right;">Page 161</p> <p>1 payment?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: It depends on the</p> <p>4 service.</p> <p>5 BY MR. RUIZ:</p> <p>6 Q. Explain that.</p> <p>7 A. So SAMHSA CSAP funding, for</p> <p>8 example, in reference to this email, will not</p> <p>9 pay for sober living.</p> <p>10 We utilize sober living many, many</p> <p>11 times, over and over again.</p> <p>12 Q. So there might be conditions on</p> <p>13 certain grants that will allow you to bill</p> <p>14 for certain services but not others?</p> <p>15 A. Absolutely.</p> <p>16 Q. Okay. You can put that to the</p> <p>17 side.</p> <p>18 (Email, RE: Next Opiate Task Force</p> <p>19 Meeting Tuesday July 22 Cuyahoga</p> <p>20 County Board of Health, Bates</p> <p>21 CUYAH_001621485 to</p> <p>22 CUYAH_001621487, marked as</p> <p>23 Deposition Exhibit 4.)</p> <p>24 BY MR. RUIZ:</p> <p>25 Q. I'm showing you what has been</p>

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1 marked as Leckler Exhibit 4, CUYAH_001621485,
 2 and the email from you is -- the email at the
 3 top is from you. But I'm actually interested
 4 in the article that starts near the bottom.
 5 A. Yes.
 6 Q. And if you look near the bottom of
 7 the first page, it says:
 8 "The legislation introduced in
 9 Congress Thursday aims to set up a
 10 five-year demonstration project that
 11 removes a decades-old Medicaid rule
 12 barring reimbursement to treatment
 13 facilities with more than 16 patient
 14 beds."
 15 Do you see that? Do you see what
 16 I read?
 17 A. Yes. It was at the bottom?
 18 Q. Yes.
 19 A. Yes.
 20 Q. And are you familiar with that
 21 Medicaid rule?
 22 A. I am.
 23 Q. And how has that rule impacted
 24 Drug Court's ability to fulfill its mission?
 25 MR. BADALA: Objection to form.

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1 THE WITNESS: It has resulted in
 2 longer waits for residential beds. And
 3 it obviously limits the number of people
 4 that can be in a residential treatment
 5 facility at one time.
 6 BY MR. RUIZ:
 7 Q. Does it make your job more
 8 difficult?
 9 MR. BADALA: Objection to form.
 10 THE WITNESS: I don't know.
 11 BY MR. RUIZ:
 12 Q. Do you think it's made addiction
 13 problems worse in the County because patients
 14 cannot get the treatment that they need?
 15 MR. BADALA: Objection to form.
 16 THE WITNESS: No.
 17 BY MR. RUIZ:
 18 Q. You don't think it's had any
 19 effect?
 20 MR. BADALA: Objection to form.
 21 THE WITNESS: I think that what's
 22 had an effect on Drug Court, more
 23 specifically, is the frequent treatment
 24 experiences that clients have in Drug
 25 Court.

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1 BY MR. RUIZ:
 2 Q. What do you mean by that?
 3 A. Meaning they have multiple
 4 treatment experiences while in the program.
 5 Q. But you don't think the fact that
 6 it's -- you don't think it would make Drug
 7 Court easier if Medicaid reimbursed
 8 for -- strike that.
 9 Let's look at the sentence at the
 10 top of the next page, which is 486. It says:
 11 "The 1965 rule has left millions
 12 of addicts across the country waiting
 13 in line for treatment, sometimes with
 14 fatal results."
 15 Do you agree with that?
 16 MR. BADALA: Objection to form.
 17 THE WITNESS: I don't know.
 18 BY MR. RUIZ:
 19 Q. You don't know if it's had any
 20 effect on how Drug Court operates or the
 21 number of patients you're able to see or the
 22 amount of treatment you're able to provide?
 23 MR. BADALA: Objection to form.
 24 It's the fourth time you're asking the
 25 same question.

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1 THE WITNESS: She's a politician.
 2 BY MR. RUIZ:
 3 Q. Okay.
 4 Well, if you look at the top of
 5 your email, you say, "This is something we've
 6 been hoping for."
 7 A. Yes.
 8 Q. Why were you hoping for it?
 9 A. I would like to see the community
 10 create more residential beds.
 11 Q. Because that would be helpful,
 12 right?
 13 A. For the community.
 14 MR. BADALA: Objection to form.
 15 BY MR. RUIZ:
 16 Q. Okay.
 17 You can put that to the side.
 18 I'm handing you what's been marked
 19 as Leckler Exhibit 5.
 20 (Email chain, Fwd: FY2013 - May
 21 2013 Treatment Expenditure Summary
 22 Report, Bates CLEVE_000367329
 23 through CLEVE_000367330, marked as
 24 Deposition Exhibit 5.)
 25

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1 BY MR. RUIZ:
2 Q. If you look near the bottom,
3 there's an email from you on July 3rd, 2014,
4 at 1:34 p.m.
5 Do you see that?
6 A. Correct.
7 Q. And you say, "Please bring
8 Greg Popovich and Judge Fuerst" --
9 A. Correct.
10 Q. -- "up to date on the increase in
11 funding being used by Cleveland Municipal
12 Court. They expressed concern at our
13 previous meeting last month."
14 Who is Greg Popovich?
15 A. Greg Popovich is the deputy court
16 administrator for the Common Pleas Court.
17 Q. And Judge Fuerst, what is his
18 involvement in -- is it a him or her?
19 A. It's a her.
20 Q. Her.
21 What is her involvement in Drug
22 Court?
23 A. She's the former administrative
24 and presiding judge of the Common Pleas
25 Court.

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1 Q. Okay.
2 And when you say -- do you recall
3 this email at all?
4 A. I do.
5 Q. And when you are writing, "Please
6 bring them up to date on the funding being
7 used by Cleveland Municipal Court," what do
8 you recall about that?
9 A. What do I recall about that? A
10 number of things. One, since we started
11 County, obviously, we have numerous felony
12 cases.
13 Cleveland Drug Court has also
14 expanded in the sense that they took in --
15 they called it a suburban grant expansion.
16 So basically they took in other suburban
17 cases under their jurisdiction to allow them
18 to participate in the Cleveland Drug Court.
19 Initially when they started that,
20 they were using shared funds, our funds, so
21 therefore decreasing the funds available
22 potentially for our clients. So I brought
23 that to the attention of the court
24 administration.
25 Q. Got it.

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1 Was it inappropriate that they
2 were doing that or was it something else?
3 MR. BADALA: Objection to form.
4 BY MR. RUIZ:
5 Q. Why were you bringing it to their
6 attention?
7 A. Because it's a fact. That's part
8 of my job.
9 Q. Well, what about it made you think
10 it was important enough to bring to their
11 attention?
12 MR. BADALA: Objection to form.
13 THE WITNESS: Because it's a
14 shared budget, and therefore, if they're
15 going to expand and take in other cases
16 out of their jurisdiction, then
17 collaboratively, we need to be aware of
18 and kept informed, because, like I said,
19 that's shared funds.
20 BY MR. RUIZ:
21 Q. And is that part of what you think
22 is -- so if you look right above your email,
23 there's an email from Daniel -- how do you
24 say that last name?
25 A. Peterca.

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1 Q. Peterca?
2 A. Yes.
3 Q. That would have been maybe my
4 fourth guess.
5 Who is Daniel Peterca?
6 A. So he no longer works for the
7 court. He was a former manager of -- as it
8 says right there in the email -- pretrial
9 services.
10 Q. And what role would he play in the
11 funding of Cleveland Municipal Court and the
12 Common Pleas Drug Court?
13 A. He was on the advisory board.
14 Q. Okay.
15 A. He also was one of my -- my boss.
16 My position used to be allocated for
17 Cleveland Municipal. There's a number of
18 ways why he is involved.
19 Q. And if you look in the second
20 sentence of what Mr. Peterca writes, he says:
21 "Russell Brown indicated that he
22 would be meeting with Greg to discuss
23 the Drug Court collaboration issues.
24 Among the issues is the continued
25 disproportioned utilization of ADAMHS

<p style="text-align: right;">Page 170</p> <p>1 Board funding for IOP with</p> <p>2 residential support by Cleveland</p> <p>3 Municipal Courts, Drug Court."</p> <p>4 So this is what we were just</p> <p>5 talking about, which is that the funding that</p> <p>6 comes from the ADAMHS Board, that goes to</p> <p>7 both the Cuyahoga Drug Court and the</p> <p>8 Cleveland Municipal Court; is that right?</p> <p>9 A. That is correct.</p> <p>10 Q. Have there been any issues with</p> <p>11 the Cleveland Drug Court since?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: Elaborate on</p> <p>14 "issues."</p> <p>15 BY MR. RUIZ:</p> <p>16 Q. Have you had problems with how</p> <p>17 they are using shared fundings since?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: No. Not that I</p> <p>20 know, no.</p> <p>21 BY MR. RUIZ:</p> <p>22 Q. How did this get resolved?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: Cleveland Drug Court</p> <p>25 was no longer allowed to use shared</p>	<p style="text-align: right;">Page 172</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. All right, Ms. Leckler. You said</p> <p>3 that the Cleveland Municipal Court stopped</p> <p>4 accessing ADAMHS Board money for cases</p> <p>5 outside of Cleveland.</p> <p>6 Since they have stopped doing</p> <p>7 that, what proportion of the ADAMHS Board</p> <p>8 funds do they use?</p> <p>9 A. I don't know exactly, off the top</p> <p>10 of my head. I don't know.</p> <p>11 Q. Do you know if it's close to</p> <p>12 50/50?</p> <p>13 A. I don't.</p> <p>14 Q. Would Mr. Murphy be the right</p> <p>15 person to ask about that?</p> <p>16 A. He may be.</p> <p>17 Q. I'll show you what's been marked</p> <p>18 as Leckler Exhibit 6.</p> <p>19 A. Thank you.</p> <p>20 Q. And that is CUYAH_003359808.</p> <p>21 (Email chain, RE: Meeting about</p> <p>22 terminating Drug Court MOU with</p> <p>23 Municipal Court, Bates</p> <p>24 CUYAH_003359808 through</p> <p>25 CUYAH_003359809, marked as</p>
<p style="text-align: right;">Page 171</p> <p>1 funds to treat cases out of their</p> <p>2 jurisdiction.</p> <p>3 BY MR. RUIZ:</p> <p>4 Q. So they're only allowed to use</p> <p>5 ADAMHS Board funding for Cleveland residents;</p> <p>6 is that right?</p> <p>7 A. Cleveland cases, not residents.</p> <p>8 Q. Thank you. That's an important</p> <p>9 distinction.</p> <p>10 And who keeps track of that to</p> <p>11 make sure they're doing that?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: The Corrections</p> <p>14 Planning Board, the ADAMHS Board.</p> <p>15 BY MR. RUIZ:</p> <p>16 Q. Okay.</p> <p>17 MR. BADALA: We've been going a</p> <p>18 little bit over an hour. A good time to</p> <p>19 take a five-minute break?</p> <p>20 MR. RUIZ: Yeah.</p> <p>21 THE VIDEOGRAPHER: Off the record,</p> <p>22 2:20.</p> <p>23 (Recess taken.)</p> <p>24 THE VIDEOGRAPHER: We're back on</p> <p>25 the record. 2:32.</p>	<p style="text-align: right;">Page 173</p> <p>1 Deposition Exhibit 6.)</p> <p>2 BY MR. RUIZ:</p> <p>3 Q. This is an email from Mr. Murphy</p> <p>4 to you, among others, on October 7th, 2014.</p> <p>5 Are you all set?</p> <p>6 A. Yes.</p> <p>7 Q. If you look at the back, it is at</p> <p>8 the top of the page there, it's an email from</p> <p>9 the Judge. And he says:</p> <p>10 "I would like to schedule a</p> <p>11 meeting where we will discuss the</p> <p>12 reasons behind our recent failure to</p> <p>13 obtain a SAMHSA grant."</p> <p>14 Do you remember that at all?</p> <p>15 A. I do.</p> <p>16 Q. And what was the SAMHSA grant that</p> <p>17 you guys did not get?</p> <p>18 A. The SAMHSA grant was a grant</p> <p>19 for -- I do not recall the specific scope of</p> <p>20 the project, but it was similar to the scope</p> <p>21 that is here, described here.</p> <p>22 Q. Described here, and that's in the</p> <p>23 next email related to the Cleveland Municipal</p> <p>24 Court?</p> <p>25 A. Yeah. And it's basically just</p>

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1 a -- let's see, expansion -- yeah. Expand --
 2 it's an expansion grant.
 3 Q. And do you remember why you didn't
 4 win the grant?
 5 A. Yes.
 6 Q. Why?
 7 A. So a lot of times with federal
 8 grants, they're allocated across the country
 9 to those communities that are in desperate
 10 need.
 11 Fortunately -- unfortunately for
 12 us, we have two Drug Court programs in
 13 Cuyahoga County, so sometimes we have to
 14 compete against each other for the same pot
 15 of money.
 16 They're all county monies. This
 17 community is really good at getting those
 18 federal funds, because we have a desperate
 19 need for those funds. Therefore, time and
 20 time again, we are able to obtain outside
 21 federal funding because we as a community can
 22 demonstrate the need for these funds in our
 23 county.
 24 Q. And so the Cleveland Municipal
 25 Court won the grant that you did not win?

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1 A. Correct.
 2 Q. Got it.
 3 A. Correct.
 4 Q. And when it won that grant, that
 5 was for the Cleveland Municipal Court's use
 6 only; it's not like they were going to share
 7 those funds with you, right?
 8 MR. BADALA: Objection to form.
 9 THE VIDEOGRAPHER: Off the record,
 10 2:37.
 11 (Interruption in proceedings.)
 12 THE VIDEOGRAPHER: We're back on
 13 the record, 2:38.
 14 MR. RUIZ: Would you mind reading
 15 the question back?
 16 (Record read as requested.)
 17 THE WITNESS: Both.
 18 You can see right here, as it's
 19 stated, that "The Cleveland Municipal
 20 Court, in partnership with the four
 21 suburban municipal courts located in
 22 Northeast Ohio and the Cuyahoga County
 23 Court of Common Pleas proposes the
 24 greater Cleveland Drug Court
 25 Medication-Assisted Treatment Project."

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1 So as you see, there's a
 2 collaboration. So, therefore, it was
 3 not just for Cleveland Municipal Court
 4 funds' clients.
 5 BY MR. RUIZ:
 6 Q. So I'm trying to understand. Did
 7 Cuyahoga apply for this grant in partnership
 8 with Cleveland?
 9 A. We applied for separate funding.
 10 Q. And then you also applied in
 11 partnership with them here?
 12 A. Since we collaborate with the
 13 ADAMHS Board funds, we didn't necessarily --
 14 we weren't part of the planning phases of
 15 running this grant, but the grant was written
 16 for both clients.
 17 Q. Now I understand. Okay. Thank
 18 you.
 19 Looking back up at the email, the
 20 judge writes:
 21 "After our discussion, we may
 22 wish to formally terminate our Drug
 23 Court MOU with Cleveland Municipal
 24 Court."
 25 Do you recall why he wanted to

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1 terminate the MOU?
 2 MR. BADALA: Objection to form.
 3 THE WITNESS: If you look at when
 4 that email was sent, it was sent on
 5 October 7, 2015.
 6 The funding was from 2014 to 2017.
 7 So he was learning about how much funds
 8 after the fact, a year in.
 9 BY MR. RUIZ:
 10 Q. So the funds had been awarded, but
 11 Cuyahoga County didn't find out that these
 12 funds were here until a year later?
 13 MR. BADALA: Objection to form.
 14 THE WITNESS: I believe around --
 15 that's correct.
 16 BY MR. RUIZ:
 17 Q. And so Cuyahoga County Drug Court
 18 didn't use any of those funds in that first
 19 year because you didn't know about them?
 20 MR. BADALA: Objection to form.
 21 THE WITNESS: Correct. It's still
 22 Cuyahoga County. It's in Cleveland.
 23 It's Cuyahoga County.
 24 BY MR. RUIZ:
 25 Q. Right. But your Drug Court wasn't

<p style="text-align: right;">Page 178</p> <p>1 using them?</p> <p>2 A. So -- it's hard to describe this.</p> <p>3 So since it's all county monies, if you apply</p> <p>4 for federal funding, it kind of comes through</p> <p>5 the county. You have the ADAMHS Board</p> <p>6 funding, which is county monies. So even if</p> <p>7 you obtain outside federal funds, it's</p> <p>8 still -- do you understand? -- still coming</p> <p>9 through county monies.</p> <p>10 So if money is coming from here or</p> <p>11 there and it's taken away from over there,</p> <p>12 it's still coming through the county. So it</p> <p>13 kind of -- it's hard to describe the pots of</p> <p>14 monies.</p> <p>15 Q. Yeah. And I think I am trying</p> <p>16 to --</p> <p>17 MR. BADALA: Were you done? I'm</p> <p>18 sorry.</p> <p>19 THE WITNESS: No. I wasn't done.</p> <p>20 BY MR. RUIZ:</p> <p>21 Q. Sorry.</p> <p>22 A. So there was a coordinator that</p> <p>23 worked for Cleveland Municipal Courts that</p> <p>24 did not have very good managerial skills. He</p> <p>25 was very difficult to collaborate with. So</p>	<p style="text-align: right;">Page 180</p> <p>1 Minutes, November 12, 2015, Bates</p> <p>2 CUYAH_002049703 through</p> <p>3 CUYAH_002049705, marked as</p> <p>4 Deposition Exhibit 7.)</p> <p>5 MR. RUIZ: CUYAH_002049703.</p> <p>6 BY MR. RUIZ:</p> <p>7 Q. These are Drug Court Advisory</p> <p>8 Board meeting minutes from November 12, 2015.</p> <p>9 A. (Reviewing document.)</p> <p>10 Q. Are you done looking through that</p> <p>11 document?</p> <p>12 A. Yes.</p> <p>13 Q. If you look at the second box,</p> <p>14 there's a discussion of funding.</p> <p>15 A. Uh-huh.</p> <p>16 Q. And the second bullet there says:</p> <p>17 "Recently \$60,000 was provided by</p> <p>18 the ADAMHS Board for a treatment</p> <p>19 shortfall for CATS. CATS wouldn't</p> <p>20 accept new clients without a</p> <p>21 contract. However, this funding from</p> <p>22 the ADAMHS Board allowed them to</p> <p>23 continue to take clients.</p> <p>24 "Corrections Planning Board may</p> <p>25 need to augment what has been</p>
<p style="text-align: right;">Page 179</p> <p>1 there's a couple things -- meanings behind</p> <p>2 this. And one could be the Judge just -- he</p> <p>3 had had enough.</p> <p>4 Q. Because -- had enough of what?</p> <p>5 A. Of dealing with that coordinator.</p> <p>6 Q. Did that make it more difficult to</p> <p>7 access funds for Cuyahoga?</p> <p>8 A. No.</p> <p>9 Q. Did -- I believe you said earlier</p> <p>10 that Cuyahoga still works with the Cleveland</p> <p>11 Municipal Court. So you did not terminate</p> <p>12 the MOU?</p> <p>13 A. No.</p> <p>14 Q. Do you remember why you -- why you</p> <p>15 decided to keep that MOU in place?</p> <p>16 A. Because collaboration gives you</p> <p>17 more justification when you're going after</p> <p>18 funding. You know, you have to do what's</p> <p>19 good for the community and, in the end, help</p> <p>20 more clients.</p> <p>21 Q. And what was the name of the</p> <p>22 person who was the Drug Court coordinator for</p> <p>23 Cleveland?</p> <p>24 A. His name was Darryl Jackson.</p> <p>25 (Drug Court Advisory Board Meeting</p>	<p style="text-align: right;">Page 181</p> <p>1 provided to last until the end of the</p> <p>2 year (\$5,000 to \$10,000 may be the</p> <p>3 shortfall). This could be covered by</p> <p>4 Smart Ohio funding."</p> <p>5 Is this -- let me back up.</p> <p>6 When it says "CATS wouldn't accept</p> <p>7 new clients without a contract," what does</p> <p>8 that mean?</p> <p>9 A. Ran out of money.</p> <p>10 Q. I guess I'm trying to understand</p> <p>11 how the contract works with them.</p> <p>12 A. So it says right here, the</p> <p>13 contract, so the Cuyahoga County Drug Court</p> <p>14 received 225 -- that's the contract -- for</p> <p>15 CATS in 2015. We were awarded more in 2014.</p> <p>16 So we had received less funding in</p> <p>17 2015. We had to stop taking in clients. We</p> <p>18 had to stop referring for treatment. It was</p> <p>19 very unfortunate.</p> <p>20 Unfortunately, the Smart Ohio</p> <p>21 funding -- Smart Ohio funding -- and Marty</p> <p>22 can correctly answer that a little bit more</p> <p>23 in specifics. The Smart Ohio money is</p> <p>24 another batch of funding that was created by</p> <p>25 the state to help pay for the overwhelming</p>

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1 communities and probation departments that
 2 are dealing with opiate epidemic.
 3 You could only have a client
 4 utilize Smart Ohio funding if they had
 5 violated. So, therefore, that funding was
 6 only utilized if an individual had an opioid
 7 disorder and had already failed out of
 8 treatment once and had already violated once.
 9 So if they were still alive, then we were
 10 able to get them back into funding. We were
 11 also able to utilize that funding to pay for
 12 some treatment and some sober housing money.
 13 So that funding isn't necessarily
 14 a guarantee, because you also -- like I said,
 15 that client would have had to violate
 16 probation, would have had to have relapsed.
 17 Q. How often does that happen?
 18 A. I don't know. I don't know the
 19 exact number.
 20 Q. Do you have a sense of what
 21 percentage of clients end up relapsing while
 22 they're in the program?
 23 MR. BADALA: Objection to form.
 24 THE WITNESS: I do not have the
 25 exact figure.

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1 BY MR. RUIZ:
 2 Q. Can you provide an estimate?
 3 MR. BADALA: Objection to form.
 4 THE WITNESS: I cannot.
 5 BY MR. RUIZ:
 6 Q. Do you know if it's less than
 7 50 percent?
 8 MR. BADALA: Objection to form.
 9 THE WITNESS: I don't know.
 10 BY MR. RUIZ:
 11 Q. If you look to the next page, the
 12 top bullet there says, "In August, both
 13 courts applied for funding for the Addiction
 14 Treatment Program."
 15 That is the ATP program that you
 16 referenced earlier?
 17 A. Uh-huh.
 18 Q. It says, "Both county courts were
 19 awarded, as was the Municipal Drug Court."
 20 When it says "Both county courts,"
 21 that's the Drug Court and the Recovery Court?
 22 A. That is correct.
 23 Q. And then if you look near the
 24 bottom, the third bullet from the bottom.
 25 A. Uh-huh.

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1 Q. It says:
 2 "Deaths due to fentanyl has
 3 exploded. Fentanyl is 30 to 40 times
 4 more powerful than heroin."
 5 A. Uh-huh.
 6 Q. Do you have a recollection of a
 7 spike in deaths related to fentanyl in
 8 Cuyahoga County?
 9 MR. BADALA: Objection to form.
 10 THE WITNESS: I have a
 11 recollection. I do not have a specific
 12 date.
 13 BY MR. RUIZ:
 14 Q. Do you remember around what year,
 15 what month?
 16 MR. BADALA: Objection to form.
 17 THE WITNESS: I do not.
 18 BY MR. RUIZ:
 19 Q. Earlier we were talking about
 20 clients that relapse. You said you weren't
 21 sure of the exact figures.
 22 A. Uh-huh.
 23 Q. Is that information tracked?
 24 MR. BADALA: Objection, form.
 25 THE WITNESS: Yes.

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1 BY MR. RUIZ:
 2 Q. By whom?
 3 A. By me.
 4 Q. And so how do you track that
 5 information?
 6 A. I just track if they had a
 7 noncompliance, not what it was.
 8 Q. And where do you keep that
 9 information?
 10 A. In a database.
 11 Q. What other information do you
 12 track along -- is that -- do you track that
 13 information in a spreadsheet? Is it a Word
 14 document? What kind of document is it?
 15 MR. BADALA: Objection to form.
 16 THE WITNESS: It is both.
 17 BY MR. RUIZ:
 18 Q. So walk me through, then, what
 19 kind of things you're tracking.
 20 A. So anytime somebody violates in
 21 the program, a status report is written.
 22 That status report will explain the
 23 violation, but also how many times they have
 24 previously violated.
 25 Is that what you're asking?

<p style="text-align: right;">Page 186</p> <p>1 Q. Uh-huh.</p> <p>2 A. Then we have an ongoing client</p> <p>3 progress report that's provided to the Judge</p> <p>4 that has that information on it. It might</p> <p>5 not necessarily have the details of the</p> <p>6 violation, just the number.</p> <p>7 You can kind of see -- for</p> <p>8 example, Joe might have violated three months</p> <p>9 ago. He was in court for a PBH as opposed to</p> <p>10 a status review hearing.</p> <p>11 Q. And that information that's</p> <p>12 provided to the Judge, is that a new document</p> <p>13 each time or are you updating the old</p> <p>14 document?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: Updating.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. And what's the name of this</p> <p>19 database where you keep this information?</p> <p>20 A. Excel.</p> <p>21 Q. Do you know where the Excel</p> <p>22 spreadsheet is saved?</p> <p>23 A. Yes.</p> <p>24 Q. Where?</p> <p>25 A. On the S drive.</p>	<p style="text-align: right;">Page 188</p> <p>1 understand is if these capital requests are</p> <p>2 something that are different from, for</p> <p>3 instance, ATP or other grants that you apply</p> <p>4 for.</p> <p>5 A. I honestly do not know what</p> <p>6 capital request is.</p> <p>7 Q. Okay. Do you know who we should</p> <p>8 ask for that information?</p> <p>9 A. I do not.</p> <p>10 Q. Do you recall when the afternoon</p> <p>11 docket for the Drug Court first started, what</p> <p>12 year?</p> <p>13 A. The end of 2016, I believe.</p> <p>14 Q. And do you recall what allowed the</p> <p>15 Drug Court to expand the docket? Did you</p> <p>16 receive a grant?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: What allowed us? We</p> <p>19 demonstrated the need in Cuyahoga</p> <p>20 County, so we were awarded the project.</p> <p>21 BY MR. RUIZ:</p> <p>22 Q. So the Cuyahoga County Drug Court</p> <p>23 was able to expand its services because it</p> <p>24 won an award, a grant award?</p> <p>25 A. It's weird when you say "won an</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. And what's the S drive?</p> <p>2 A. Shared drive.</p> <p>3 Q. And so this is on the court's</p> <p>4 shared drive?</p> <p>5 A. That is correct.</p> <p>6 Q. If you look on the last page of</p> <p>7 the document, under "Other business," it</p> <p>8 says:</p> <p>9 "Rep. Nickie J. Antonio said that</p> <p>10 the state will be accepting 'capital</p> <p>11 requests.' If there are any capital</p> <p>12 concerns, please see her."</p> <p>13 Do you recall the Drug Court</p> <p>14 asking the state for more money through the</p> <p>15 budgeting process?</p> <p>16 A. Yes. That's what the ATP funds</p> <p>17 were.</p> <p>18 Q. The ATP funds are through the</p> <p>19 budget and not through a grant?</p> <p>20 A. I'm sorry. You have to rephrase.</p> <p>21 Q. Is the ATP a grant that the</p> <p>22 Cuyahoga County court won?</p> <p>23 A. Yes. It's state money, though.</p> <p>24 You said "state," so that's why --</p> <p>25 Q. Got it. What I'm trying to</p>	<p style="text-align: right;">Page 189</p> <p>1 award" because --</p> <p>2 Q. They received funding through a</p> <p>3 grant?</p> <p>4 A. Thank you, yes. Yes.</p> <p>5 Q. Okay.</p> <p>6 A. We demonstrated a need.</p> <p>7 Therefore, we got the funding.</p> <p>8 Q. Is the Drug Court evaluated at all</p> <p>9 for whether it's successful?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. Do you have to do any kind of</p> <p>14 evaluations as part of grant renewal?</p> <p>15 A. Yes.</p> <p>16 Q. Who is involved in the evaluation</p> <p>17 process from the Drug Court?</p> <p>18 A. You would have to be more</p> <p>19 specific. If you are talking about</p> <p>20 evaluations of a certain grant funding --</p> <p>21 Q. Let me ask it a different way.</p> <p>22 A. Okay.</p> <p>23 Q. What are the different things --</p> <p>24 strike that.</p> <p>25 How do you measure whether -- how</p>

<p style="text-align: right;">Page 190</p> <p>1 does the Drug Court measure whether it's</p> <p>2 successful at achieving its mission?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: Recidivism studies.</p> <p>5 BY MR. RUIZ:</p> <p>6 Q. And how often do you do those?</p> <p>7 A. Not as often as we would like.</p> <p>8 Q. Do you have a sense of how often</p> <p>9 you do them?</p> <p>10 A. We have done two, one of which</p> <p>11 I've reviewed the report. Another they're in</p> <p>12 the process of doing right now.</p> <p>13 Q. The one that has already been</p> <p>14 completed, when was that done?</p> <p>15 A. That was done on -- I believe it</p> <p>16 was the first three to four years of the</p> <p>17 project. Recidivism studies, you need to</p> <p>18 look three years out. So therefore, you</p> <p>19 couldn't look at the data until the time had</p> <p>20 passed.</p> <p>21 So recidivism studies also have to</p> <p>22 look at your unsuccessfuls. So, for example,</p> <p>23 if a participant had violated numerous times</p> <p>24 and went to prison, that recidivism study</p> <p>25 does not count until they were back into the</p>	<p style="text-align: right;">Page 192</p> <p>1 are paid for.</p> <p>2 They also evaluate the progress of</p> <p>3 the program with particularly that project</p> <p>4 itself, making sure you're complying with the</p> <p>5 goals and objectives.</p> <p>6 It's a big chunk of money. But,</p> <p>7 unfortunately, part of the SAMHSA monies,</p> <p>8 what the county has to do is hire that</p> <p>9 evaluator. So that's one indication of how</p> <p>10 we have an evaluator.</p> <p>11 The SAMHSA government also has now</p> <p>12 started doing an on-site evaluation. We have</p> <p>13 gone through three of them, two on Recovery</p> <p>14 Court side and one on Drug Court side.</p> <p>15 And that process entails a --</p> <p>16 basically a national expert that will come</p> <p>17 out to your program and basically spend the</p> <p>18 week with you. They will go to your</p> <p>19 staffings. They will sit down one-on-one</p> <p>20 with each staff member.</p> <p>21 They will go out to the treatment</p> <p>22 agencies. They make sure that you're</p> <p>23 adhering to the goals and standards and they</p> <p>24 also make recommendations on how to make your</p> <p>25 program better.</p>
<p style="text-align: right;">Page 191</p> <p>1 community to get a good recidivism rate.</p> <p>2 Q. Is there anything else the</p> <p>3 Cuyahoga County Drug Court does to measure</p> <p>4 whether it is successfully treating its</p> <p>5 client?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MR. RUIZ:</p> <p>9 Q. What else do you do?</p> <p>10 A. So part of CSAP grants, federal</p> <p>11 funds, that the County is awarded these</p> <p>12 monies, the County has to take a huge chunk</p> <p>13 of that money and allocate it to hire an</p> <p>14 outside evaluator. That outside evaluator</p> <p>15 receives -- I believe it's 20 percent and/or</p> <p>16 65,000 per year of that project.</p> <p>17 So, for example, if you receive</p> <p>18 SAMHSA fundings of 325 per year, 65 of that,</p> <p>19 take it off and just give it to the</p> <p>20 evaluator.</p> <p>21 That evaluator does a -- it's</p> <p>22 called a GPRA. They do an initial intake on</p> <p>23 an individual. They are also required to do</p> <p>24 a follow-up one in six months and at</p> <p>25 discharge. So that is basically what they</p>	<p style="text-align: right;">Page 193</p> <p>1 Q. I want to move away from your core</p> <p>2 Drug Court activities and explore some other</p> <p>3 opioid-related activities that you might be</p> <p>4 involved in.</p> <p>5 A. Okay.</p> <p>6 Q. Are you familiar with the Cuyahoga</p> <p>7 County Opiate Task Force?</p> <p>8 A. I am.</p> <p>9 Q. And are you involved in it?</p> <p>10 A. I am.</p> <p>11 Q. In what capacity?</p> <p>12 A. I have not attended, I believe,</p> <p>13 the past four meetings. However, I have</p> <p>14 attended the meetings. I have presented and</p> <p>15 I have gained knowledge from other agencies</p> <p>16 and what they're doing.</p> <p>17 Q. When did you first start</p> <p>18 participating?</p> <p>19 A. I do not recall.</p> <p>20 Q. Do you remember the year?</p> <p>21 A. I don't.</p> <p>22 Q. Do you know if you were involved</p> <p>23 at the beginning of the task force?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I was involved</p>

<p style="text-align: right;">Page 194</p> <p>1 somewhat towards the beginning, I</p> <p>2 believe.</p> <p>3 BY MR. RUIZ:</p> <p>4 Q. Let's see if we can refresh your</p> <p>5 memory.</p> <p>6 THE VIDEOGRAPHER: May I change</p> <p>7 tape while you're doing that?</p> <p>8 MR. RUIZ: Yes.</p> <p>9 THE VIDEOGRAPHER: Thank you. We</p> <p>10 are off the record at 3:05.</p> <p>11 (Recess taken.)</p> <p>12 THE VIDEOGRAPHER: We're back on</p> <p>13 the record, 3:07.</p> <p>14 BY MR. RUIZ:</p> <p>15 Q. I'm handing you what's been marked</p> <p>16 as Leckler Exhibit 8.</p> <p>17 (Email, Next Task Force Meeting,</p> <p>18 Bates CLEVE_000166587, marked as</p> <p>19 Deposition Exhibit 8.)</p> <p>20 THE WITNESS: Thank you.</p> <p>21 BY MR. RUIZ:</p> <p>22 Q. And that is CLEVE_000166587.</p> <p>23 And you see this is a</p> <p>24 September 17th, 2013, email from</p> <p>25 Vince Caraffi to a number of people?</p>	<p style="text-align: right;">Page 196</p> <p>1 related to the task force before you actually</p> <p>2 became involved?</p> <p>3 A. It's very much possible. A lot of</p> <p>4 times, my boss may keep me informed of things</p> <p>5 and then usually they sometimes hand things</p> <p>6 off to me.</p> <p>7 Q. Okay.</p> <p>8 A. This being one of them.</p> <p>9 Q. Got it.</p> <p>10 Was Judge Matia -- do you know if</p> <p>11 he was participating in the task force around</p> <p>12 this time?</p> <p>13 A. Again, I see his email on here, so</p> <p>14 I'm assuming. But I cannot say for sure if</p> <p>15 he was physically at the meetings or not.</p> <p>16 Q. Okay.</p> <p>17 You see the third science in the</p> <p>18 email? It says:</p> <p>19 "Since 2010 our local coalition</p> <p>20 has been very successful at</p> <p>21 implementing local initiatives to</p> <p>22 address this epidemic of opioid</p> <p>23 abuse."</p> <p>24 A. Yes.</p> <p>25 Q. Is it fair to say that as of at</p>
<p style="text-align: right;">Page 195</p> <p>1 And do you see near the bottom</p> <p>2 there, all the way on the right-hand side,</p> <p>3 you're listed as a recipient? Do you see</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 So fair to say, at least as early</p> <p>8 as 2013, September 2013, you were a part of</p> <p>9 the task force?</p> <p>10 A. When you say "a part of the task</p> <p>11 force," do you mean attending the meetings?</p> <p>12 Q. Yes.</p> <p>13 A. Not necessarily.</p> <p>14 Q. Okay.</p> <p>15 A. Only I get a lot of emails. I, a</p> <p>16 lot of time, am kept informed of things via</p> <p>17 email. So it doesn't mean that I was</p> <p>18 necessarily there.</p> <p>19 I just don't want to tell you that</p> <p>20 I was there when I cannot recall the exact</p> <p>21 year that I started to participate in the</p> <p>22 Opiate Task Force.</p> <p>23 Q. Okay.</p> <p>24 So you're saying it's possible</p> <p>25 that perhaps you were receiving emails</p>	<p style="text-align: right;">Page 197</p> <p>1 least 2010, Cuyahoga County knew there was a</p> <p>2 problem with opioid abuse?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: I don't know. I</p> <p>5 didn't write the email.</p> <p>6 BY MR. RUIZ:</p> <p>7 Q. Well, let's think about your</p> <p>8 experience. You were seeing a number of</p> <p>9 people through the Drug Court who had drug</p> <p>10 abuse disorders.</p> <p>11 Do you remember, around the time,</p> <p>12 2009/2010, whether opioids were a problem?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: Can you rephrase?</p> <p>15 Do you mean a problem or an epidemic?</p> <p>16 BY MR. RUIZ:</p> <p>17 Q. Well, let's start with problem.</p> <p>18 Did you think it was a problem?</p> <p>19 MR. BADALA: Objection to the</p> <p>20 form.</p> <p>21 THE WITNESS: All drug use is a</p> <p>22 problem.</p> <p>23 BY MR. RUIZ:</p> <p>24 Q. Did you think it was a bigger</p> <p>25 problem than other drugs?</p>

<p style="text-align: right;">Page 198</p> <p>1 MR. BADALA: Objection to form. 2 THE WITNESS: I don't know. 3 BY MR. RUIZ: 4 Q. Okay. 5 Were you also involved in the 6 Cuyahoga County Poison Death Review 7 Committee? 8 A. I was. 9 Q. Are you still involved? 10 A. It no longer exists. 11 Q. It doesn't exist anymore. When 12 did it stop? 13 A. I do not know. 14 Q. Do you know when it started? 15 A. I do not. 16 Q. What is the Poison Death Review 17 Committee? Or what was it, rather? 18 A. The Poison Death Review Committee 19 was a group of individuals, myself included, 20 that looked over -- I'm trying to remember 21 the exact start date, which I do not know 22 exact start date. 23 It involved Dr. Delos Reyes 24 from -- on behalf of the ADAMHS Board, 25 myself, Sheriff's Department, Dr. Gilson.</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. Were you representing the Drug 2 Court or -- 3 A. Not just -- 4 Q. -- the court -- 5 A. Correct. 6 Q. -- as a larger institution? 7 A. Correct. 8 So when we would get a list of 9 individuals who had overdosed in Cuya County, 10 I would have a week or so to review all those 11 cases and see if they had any criminal 12 justice involvement. Yeah. 13 (Cuyahoga County Poison Death 14 Review Committee Meeting Minutes, 15 May 28, 2013, Bates 16 CUYAH_001432160 through 17 CUYAH_001432162, marked as 18 Deposition Exhibit 9.) 19 BY MR. RUIZ: 20 Q. I'm going to show you what's been 21 marked as Leckler Exhibit 9. 22 A. Thank you. 23 Q. This is CUYAH_001432160. 24 A. Uh-huh. 25 Q. And it looks like these are</p>
<p style="text-align: right;">Page 199</p> <p>1 We sat around a table and we had 2 the unfortunate duty of overlooking every 3 single accidental overdose that occurred in 4 Cuyahoga County that year. 5 Q. And when you would look at those 6 overdoses, what was the purpose? 7 A. The purpose was to see if that 8 individual had any court involvement, to see 9 what their profession was. 10 Unfortunately, some of the 11 discussions of the cases went into some 12 horrific detail of how the body was found. 13 We tried to identify if 14 Project Dawn could have helped, if something 15 we could have done more could have helped. 16 They also tried to indicate if 17 that individual had any involvement with any 18 treatment agencies. 19 It was once a month, and it was a 20 very difficult two hours that I would spend 21 once a month. 22 Q. And how is it that you became 23 involved in the committee? 24 A. The probation department and the 25 court asked me to, to represent the court.</p>	<p style="text-align: right;">Page 201</p> <p>1 meeting minutes from one of the review 2 committee meetings. And this says May 28th, 3 2013. 4 I know you said you don't remember 5 exactly when they started or when they 6 finished. 7 A. Uh-huh. 8 Q. Do you remember about how many 9 years you met? 10 A. I believe it was -- that I was 11 just involved, it was like a year, 12 months. 12 So as of what years it elapsed over ... 13 I know that these are really small 14 numbers though. 15 Q. So you think you were involved for 16 about a year? 17 A. Yes. 18 Q. After you stopped -- did your 19 involvement stop when the committee stopped 20 meeting? 21 A. Did my involvement stop when the 22 committee stopped meeting? 23 Q. Yes. 24 A. Yeah. I don't know if they met 25 without me.</p>

<p style="text-align: right;">Page 202</p> <p>1 Q. So it's possible the committee 2 kept on -- 3 So why did you stop attending the 4 review committee? 5 A. They had gathered a number of data 6 and it was -- I don't know. 7 Q. You just know at one point you 8 stopped attending, but you're not sure if the 9 meetings -- 10 A. Uh-huh. 11 Q. -- stopped? Okay. 12 If you look first under "Opening 13 Discussion and Update," it says "OARRS site 14 approval," on the very first page. "Claire 15 and Aaron have applied for investigator 16 access." 17 We talked a little bit about OARRS 18 earlier. 19 A. Uh-huh. 20 Q. Claire and Aaron were both from 21 the Cuyahoga County Medical Examiner's 22 Office, is that right -- 23 A. Claire -- 24 Q. -- based on what it says up there? 25 A. Yes.</p>	<p style="text-align: right;">Page 204</p> <p>1 specific drug that person obtained? 2 MR. BADALA: Objection to form. 3 THE WITNESS: I do not know. 4 BY MR. RUIZ: 5 Q. Do you know if it can tell you who 6 manufactured that drug? 7 A. I do not know. 8 Q. You said earlier that OARRS 9 doesn't have -- it doesn't capture all drugs, 10 right? That's your understanding? 11 MR. BADALA: Objection to form. 12 THE WITNESS: Yes. 13 BY MR. RUIZ: 14 Q. But do you know -- it captures all 15 prescription drugs, right? 16 A. Not necessarily. 17 Q. Which ones are you aware of that 18 it does not? 19 A. If somebody is a vet, it didn't go 20 through OARRS, so -- 21 Q. Explain that to me. 22 A. So they're their own entity, so it 23 didn't go through OARRS. 24 Q. So if a vet is prescribing 25 medication for an animal? Is that what</p>
<p style="text-align: right;">Page 203</p> <p>1 Q. Do you know what investigator 2 access is? 3 A. I do not. 4 Q. Do you know what kind of 5 information the Cuyahoga County Medical 6 Examiner's office could get from OARRS? 7 MR. BADALA: Objection to form. 8 THE WITNESS: I do not. 9 BY MR. RUIZ: 10 Q. Do you know if they used OARRS 11 information in these committee meetings? 12 A. I do not. 13 I remember -- I recall them 14 discussing obtaining access, and us 15 discussing that not all medications are 16 reported through the OARRS, unfortunately. 17 Q. Okay. 18 You have seen OARRS reports 19 because the probation supervisor can access 20 OARRS for your clients; is that right? 21 A. That is correct. 22 Q. When those reports are 23 run -- strike that. 24 Do you know if an OARRS report 25 tells you which distributor distributed a</p>	<p style="text-align: right;">Page 205</p> <p>1 you're saying? 2 A. No, like a military person. 3 Q. Oh, vet. Oh, I'm sorry. 4 A. Yes. Yes. 5 Q. I thought you were saying 6 veterinarian. 7 A. But if you want to get to that, 8 you are correct with the vet as well. 9 Q. Thank you for clarifying that. 10 A. You're welcome. 11 Q. I would have been thinking you 12 were talking about veterinarians for the rest 13 of the day. 14 A. That too, but -- 15 Q. So you're saying that if a veteran 16 obtained a prescription through the VA, that 17 that might not be recorded in OARRS? 18 A. Yes. So my knowledge of the OARRS 19 is when we started utilizing OARRS, the 20 veterans did not utilize OARRS. 21 Q. Got it, okay. 22 Other than that situation, the 23 OARRS system covers all prescription 24 medications, right? 25 MR. BADALA: Objection to form.</p>

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1 THE WITNESS: No.
2 BY MR. RUIZ:
3 Q. Can you give me another example?
4 A. You described it, a veterinarian.
5 Q. Sure, okay.
6 If you look on page 162, under
7 "Intervention and Education," it says:
8 "Real prevention opportunities,
9 athletes, coaches, trainers in high
10 schools, local colleges, sports med
11 doctors."
12 A. Yes.
13 Q. Do you recall discussion around
14 these prevention opportunities?
15 A. Yes.
16 Q. And why did the group think these
17 were real prevention opportunities?
18 MR. BADALA: Objection, form.
19 THE WITNESS: Because I have a
20 number of clients that -- started by
21 prescription medication, prescription
22 pain pills by an injury that happened in
23 high school or in college, and then they
24 land across my desk.
25

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1 BY MR. RUIZ:
2 Q. But as we discussed before, the
3 only way that you know that is because the
4 client tells you that's what happened, right?
5 A. Yes.
6 Q. You haven't done anything to
7 verify whether that's actually how they
8 became addicted to drugs?
9 MR. BADALA: Objection to form.
10 THE WITNESS: Yes.
11 BY MR. RUIZ:
12 Q. Okay.
13 When you were talking about
14 veterans using OARRS, it's not the veterans
15 themselves that you were talking about,
16 right, it's the VA?
17 A. That is correct. Somebody from
18 the community just can't run an OARRS report.
19 Q. Right. But if a veteran went to
20 go see a private doctor, or if they went to a
21 hospital, then there might be an OARRS
22 report.
23 MR. BADALA: Objection to form.
24 BY MR. RUIZ:
25 Q. You don't know?

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1 A. I don't know.
2 Q. Okay.
3 (Cuyahoga County Poison Death
4 Review Committee Meeting Minutes,
5 June 25, 2013, Bates
6 CUYAH_001897420 through
7 CUYAH_001897422, marked as
8 Deposition Exhibit 10.)
9 BY MR. RUIZ:
10 Q. I'll show you what's been marked
11 as Leckler Exhibit 10.
12 MR. BADALA: Thanks.
13 THE WITNESS: Thank you.
14 BY MR. RUIZ:
15 Q. And this is a copy of meeting
16 minutes from the Poison Death Review
17 Committee from June 25th, 2013.
18 Have you seen that?
19 A. Yes.
20 Q. About two-thirds of the way down
21 the page it says:
22 "OARRS, 2012 cases. 102 of 160
23 cases had OARRS file."
24 Does this refresh your
25 recollection that they were using OARRS data

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1 at these meetings?
2 MR. BADALA: Objection, form.
3 THE WITNESS: Yes.
4 BY MR. RUIZ:
5 Q. It says, "102 of 160 cases
6 had OARRS file." So you were looking at --
7 does 160 cases mean 160 deaths?
8 A. Yes.
9 Q. And of those 160 deaths, you're
10 only able to track 75 of which had
11 prescriptions for opiates at some point,
12 right?
13 MR. BADALA: Objection to form.
14 THE WITNESS: It says that there.
15 BY MR. RUIZ:
16 Q. And if you look further down, it
17 says:
18 "Data conclusions and possible
19 recommendations. Likely accessing
20 legal prescriptions while abusing
21 heroin."
22 Now, when you are coming to
23 that --
24 If a person is using heroin, do
25 you think it's likely that a doctor is going

<p style="text-align: right;">Page 210</p> <p>1 to give them a prescription for opioids?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I have no idea.</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. You have no idea?</p> <p>6 A. I have no idea.</p> <p>7 Q. Do you think if they tell their</p> <p>8 doctor that they're using heroin, that a</p> <p>9 doctor might write them a prescription for</p> <p>10 opioids?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: I have no idea.</p> <p>13 BY MR. RUIZ:</p> <p>14 Q. Let's assume that that happens.</p> <p>15 Let's assume that there are people -- and by</p> <p>16 that, I'm -- strike that.</p> <p>17 Let's assume that there are people</p> <p>18 that are using heroin and also getting</p> <p>19 prescriptions for opioids. Would a</p> <p>20 pharmaceutical company that manufactures</p> <p>21 prescription opioids know that that person is</p> <p>22 using heroin?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: I don't know.</p> <p>25</p>	<p style="text-align: right;">Page 212</p> <p>1 were.</p> <p>2 I'm asking if it was discussed,</p> <p>3 the fact that other hospitals do not have</p> <p>4 guidelines.</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I do not know. I do</p> <p>7 not work for the hospitals.</p> <p>8 BY MR. RUIZ:</p> <p>9 Q. Fair to say, when it says the</p> <p>10 University Hospital is the only system with</p> <p>11 prescribing guidelines, it means the other</p> <p>12 ones don't have them?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 Misstates the document.</p> <p>15 THE WITNESS: I don't know, just</p> <p>16 because it -- I don't know.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. If you turn to the page 421 at the</p> <p>19 bottom, about two-thirds of the way down,</p> <p>20 under "Intervention and education." It says:</p> <p>21 "Other treatment drugs,</p> <p>22 hydrocodone, Diazepam, et cetera, no</p> <p>23 prescription should be needed after</p> <p>24 six months. Needs counseling</p> <p>25 intervention. Problem with</p>
<p style="text-align: right;">Page 211</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. They wouldn't, right?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 BY MR. RUIZ:</p> <p>6 Q. What about a distributor that then</p> <p>7 sends that drug to a pharmacy?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 BY MR. RUIZ:</p> <p>11 Q. Right under that, it says:</p> <p>12 "Work on the pipeline flow of</p> <p>13 prescription opiates. UH only system</p> <p>14 with prescribing guidelines for</p> <p>15 opiate pain pills."</p> <p>16 What is -- do you know what UH is?</p> <p>17 A. University Hospitals.</p> <p>18 Q. University Hospitals.</p> <p>19 Does that mean that other</p> <p>20 hospitals didn't have prescribing guidelines?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I do not know what</p> <p>23 their prescription guidelines were.</p> <p>24 BY MR. RUIZ:</p> <p>25 Q. Well, I'm not asking you what they</p>	<p style="text-align: right;">Page 213</p> <p>1 continuation and willingness to</p> <p>2 dispense beyond six months."</p> <p>3 What is that -- to your knowledge,</p> <p>4 what is that saying?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I don't know. I did</p> <p>7 not do -- I did not write the minutes</p> <p>8 for this meeting.</p> <p>9 BY MR. RUIZ:</p> <p>10 Q. Do you remember this being</p> <p>11 discussed?</p> <p>12 A. I do not.</p> <p>13 Q. Do you recall any discussions</p> <p>14 about the need to limit dispensing of</p> <p>15 opioids?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: I do not.</p> <p>18 BY MR. RUIZ:</p> <p>19 Q. Do you have any opinion about how</p> <p>20 long someone should be able to obtain a</p> <p>21 prescription for opioids?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: I am not a</p> <p>24 physician. I run the County Drug Court</p> <p>25 program.</p>

<p style="text-align: right;">Page 214</p> <p>1 I have not had any medical</p> <p>2 background, therefore, I cannot -- just</p> <p>3 like I'm not an attorney, I can't give</p> <p>4 legal advice. I have no idea.</p> <p>5 BY MR. RUIZ:</p> <p>6 Q. So you don't have an opinion then?</p> <p>7 THE WITNESS: I do not.</p> <p>8 MR. RUIZ: Okay. Has it been</p> <p>9 almost an hour?</p> <p>10 MR. BADALA: Yeah, I think so.</p> <p>11 MR. RUIZ: Do you want to take a</p> <p>12 five-minute break?</p> <p>13 MR. BADALA: Yeah.</p> <p>14 THE VIDEOGRAPHER: Off the record,</p> <p>15 3:30.</p> <p>16 (Recess taken.)</p> <p>17 THE VIDEOGRAPHER: We're back on</p> <p>18 the record, 3:49.</p> <p>19 BY MR. RUIZ:</p> <p>20 Q. Ms. Leckler, you said that when</p> <p>21 you were working for the Cleveland Municipal</p> <p>22 Court, that one of the more common drug</p> <p>23 diagnoses or maybe -- I'll take that back,</p> <p>24 one of the more common drugs that you saw</p> <p>25 abused was crack cocaine.</p>	<p style="text-align: right;">Page 216</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: I work with those</p> <p>3 that use heroin.</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. Do you think it's a problem in the</p> <p>6 county right now?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: A majority of the</p> <p>9 cases that I have started with</p> <p>10 prescription medication and moved on to</p> <p>11 heroin, or still do both.</p> <p>12 So what I see in our program,</p> <p>13 Recovery Court and Drug Court, yes.</p> <p>14 BY MR. RUIZ:</p> <p>15 Q. What about fentanyl?</p> <p>16 A. What about fentanyl?</p> <p>17 Q. Do you see clients in Cuyahoga</p> <p>18 Drug Court who use or have used fentanyl?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: I don't know because</p> <p>21 most of the clients do not know that</p> <p>22 they're using fentanyl.</p> <p>23 BY MR. RUIZ:</p> <p>24 Q. And why do they not know that</p> <p>25 they're using fentanyl?</p>
<p style="text-align: right;">Page 215</p> <p>1 Do you remember that?</p> <p>2 A. Yes.</p> <p>3 Q. Is crack cocaine still a problem</p> <p>4 in Cuyahoga?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I don't know.</p> <p>7 BY MR. RUIZ:</p> <p>8 Q. You don't know?</p> <p>9 What about power cocaine?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. Have you ever known a time when</p> <p>14 meth was a health problem in Cuyahoga County?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: I do not.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. You can't recall a time when there</p> <p>19 was a problem with meth in the county?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. What about heroin? Can you recall</p> <p>24 a time when heroin was a problem in the</p> <p>25 county?</p>	<p style="text-align: right;">Page 217</p> <p>1 A. I don't know.</p> <p>2 Q. Have you heard anything about why</p> <p>3 that might be?</p> <p>4 A. Have I heard anything of -- that</p> <p>5 it -- that they're using fentanyl?</p> <p>6 Q. Why they might be using fentanyl</p> <p>7 without knowing it.</p> <p>8 A. I just know that a lot of them,</p> <p>9 when you talk about their prior overdoses,</p> <p>10 they say that they didn't know that they were</p> <p>11 using -- what they were using.</p> <p>12 Q. And what about carfentanil? Have</p> <p>13 you encountered any clients who have used or</p> <p>14 do use carfentanil?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: I don't know because</p> <p>17 I do not test for it.</p> <p>18 BY MR. RUIZ:</p> <p>19 Q. Just to be clear, when you're</p> <p>20 using the word "opiate" today, you're</p> <p>21 including heroin use and fentanyl use and</p> <p>22 carfentanil use, right?</p> <p>23 A. Typically when I use the word</p> <p>24 "opiates," I'm referring to prescription pain</p> <p>25 medications. When I use the word "opioids,"</p>

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1 that's when I'm referring to both of the
2 classes of drugs together.
3 Q. Okay.
4 Do you know when prescription
5 opioids first entered the market?
6 MR. BADALA: Objection to form.
7 THE WITNESS: I do not.
8 BY MR. RUIZ:
9 Q. Do you know that Percocet and
10 Vicodin have been available since the 1970s?
11 MR. BADALA: Objection to form.
12 THE WITNESS: I did not.
13 BY MR. RUIZ:
14 Q. Do you know if there was a problem
15 with prescription drug abuse in the 1970s?
16 MR. BADALA: Objection to form.
17 THE WITNESS: I have no idea.
18 (Email chain, "FW: Carfentanil:
19 Medical Examiner's Public Health
20 Warning, Bates CUYAH_001621535
21 through CUYAH_001621537, marked as
22 Deposition Exhibit 11.)
23 BY MR. RUIZ:
24 Q. I'll show you what's been marked
25 as Leckler Exhibit 11.

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1 If you look at the bottom of the
2 first page, it's a public health warning from
3 the medical examiner. It says:
4 "Cuyahoga County Medical
5 Examiner, Dr. Thomas Gilson, issued a
6 public health warning today
7 indicating that the Regional Science
8 Forensic Laboratory has detected
9 carfentanil.
10 "Carfentanil is a large animal
11 sedative 100 times more deadly than
12 fentanyl and 2500 times more than
13 heroin, is deemed unsafe for human
14 use, and is a clear and present
15 danger to the community. Deaths due
16 to heroin, fentanyl and now possibly
17 carfentanil continue to accelerate
18 out of control."
19 Does Dr. Gilson -- does that
20 sentence -- in that last sentence, "Deaths
21 due to heroin, fentanyl and now possibly
22 carfentanil continue to accelerate out of
23 control," does Dr. Gilson mention
24 prescription opiates anywhere in that
25 sentence?

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1 MR. BADALA: Objection to form.
2 THE WITNESS: Second page?
3 BY MR. RUIZ:
4 Q. Yeah.
5 A. No.
6 Q. And if you look at the next
7 paragraph, the second sentence:
8 "The detection of carfentanil
9 here is a very disturbing development
10 in the ongoing illegal opiate
11 crisis."
12 Do you see that?
13 A. Yes.
14 Q. Do you agree with Dr. Gilson that
15 the opiate crisis is a -- is one of illegal
16 opiates?
17 MR. BADALA: Objection to form.
18 THE WITNESS: I do not have an
19 opinion.
20 BY MR. RUIZ:
21 Q. Okay.
22 I'll show you what's been marked
23 as Leckler Exhibit 12. That's the cover
24 email and then the attachment.
25 (Email, Fentanyl Cut Heroin, Bates

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1 CUYAH_002015681, marked as
2 Deposition Exhibit 12.)
3 MR. BADALA: Okay. Thanks.
4 MR. RUIZ: The cover email is
5 002015681.
6 BY MR. RUIZ:
7 Q. And you see -- you received this
8 email? Do you see your name on there?
9 A. I do.
10 Q. And the subject is "Fentanyl cut
11 heroin." Have you heard of that before?
12 A. Yes.
13 Q. And what do you understand that to
14 be?
15 A. Heroin processed with fentanyl.
16 Q. And do you have any understanding
17 of why that's significant?
18 MR. BADALA: Objection to form.
19 THE WITNESS: Say that again.
20 Sorry.
21 BY MR. RUIZ:
22 Q. Let me say it this way, if someone
23 is going out to buy heroin and that heroin
24 actually has fentanyl in it, it's more
25 potent, right?

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1 MR. BADALA: Objection to form.
2 THE WITNESS: Yes.
3 BY MR. RUIZ:
4 Q. It might increase their likelihood
5 of overdosing?
6 MR. BADALA: Objection to form.
7 THE WITNESS: I guess there's a
8 lot of factors that it would depend on.
9 BY MR. RUIZ:
10 Q. Right. But I think we just saw in
11 the last exhibit Dr. Gilson was saying
12 carfentanil is 100 times more deadly than
13 fentanyl and 25 times more deadly than
14 heroin.
15 So fentanyl is more powerful and
16 more deadly than heroin, right?
17 MR. BADALA: Objection to form.
18 THE WITNESS: According to
19 Dr. Gilson, yes.
20 BY MR. RUIZ:
21 Q. Right. And so, because it's more
22 powerful, it could lead to more overdoses,
23 especially if someone is taking it not
24 knowing that there's any fentanyl in the drug
25 they're taking?

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1 MR. BADALA: Objection to form.
2 THE WITNESS: It could.
3 BY MR. RUIZ:
4 Q. It could?
5 A. Uh-huh.
6 Q. Let's look at the attachment,
7 which is the next page.
8 A. Uh-huh.
9 Q. It says:
10 "Unintentional drug overdose
11 deaths reach historic high second
12 year in a row. Fentanyl-cut heroin,
13 a likely major contributor."
14 And I just want to look at the
15 last sentence in the first paragraph. It
16 says:
17 "Participants throughout OSAM
18 regions also cited dealers switching
19 from other drug sales to the more
20 profitable sale of heroin, along with
21 cocaine users switching to heroin due
22 to the poor quality of cocaine."
23 A. Uh-huh.
24 Q. Do you agree that if a cocaine
25 user switches to heroin, they might become

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1 addicted to opioids?
2 MR. BADALA: Objection to form.
3 THE WITNESS: I missed the exact
4 paragraph, so let me start at the
5 beginning.
6 BY MR. RUIZ:
7 Q. Yeah. It's the first paragraph --
8 A. Okay. So --
9 "The availability of heroin has
10 increased during the past six months.
11 And every region with the
12 consumption -- exception of Toledo.
13 Participants consistently attributed
14 the increase in heroin use to the
15 reformulation of popular prescription
16 opioids such as OxyContin which has
17 made some prescription opioids more
18 difficult to abuse. the crushable
19 pills increasingly more expensive and
20 difficult to obtain.
21 "Participants throughout OSAM
22 regions also cited dealers switching
23 from other drug sales to the more
24 profitable sale of heroin, along with
25 cocaine users switching to heroin,

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1 due to the poor quality of cocaine."
2 Q. So my question was, if a cocaine
3 user switches to heroin, could they then
4 become addicted to opioids?
5 MR. BADALA: Objection to form.
6 THE WITNESS: I don't know.
7 BY MR. RUIZ:
8 Q. Because you -- you don't know
9 because you're not trained in substance abuse
10 and addiction?
11 MR. BADALA: Objection to form.
12 THE WITNESS: I don't know because
13 I cannot -- in my lane, I cannot say
14 that a cocaine user can then switch to
15 another substance and become addicted to
16 that. I cannot say absolutely that that
17 would occur.
18 BY MR. RUIZ:
19 Q. I'm not saying that it would
20 happen every time. I'm just saying that it's
21 something that could happen, right?
22 MR. BADALA: Objection to form.
23 THE WITNESS: I don't know.
24 That's me assuming, and I -- I don't
25 know.

<p style="text-align: right;">Page 226</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. Okay.</p> <p>3 Earlier today you talked about --</p> <p>4 you can put that exhibit aside.</p> <p>5 Earlier today you talked about</p> <p>6 clients that you have that have started --</p> <p>7 that have allegedly started with prescription</p> <p>8 opioids and later on moved to heroin or other</p> <p>9 illegal substances; is that right?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. Do you have a sense of --</p> <p>14 Well, let me start with a baseline</p> <p>15 question.</p> <p>16 People who use cocaine, do you</p> <p>17 think that a hundred percent of them have</p> <p>18 started with a prescription opioid?</p> <p>19 A. No.</p> <p>20 Q. So it is possible for someone to</p> <p>21 have a heroin addiction without ever having</p> <p>22 used a prescription opioid?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: That is correct.</p> <p>25 And I can say that in court -- we</p>	<p style="text-align: right;">Page 228</p> <p>1 addiction began with a prescription.</p> <p>2 A. If I did, I'm sorry. I meant to</p> <p>3 say opioids.</p> <p>4 Q. You mean to say -- okay.</p> <p>5 A. Thank you.</p> <p>6 Q. I just wanted to make sure that</p> <p>7 we're --</p> <p>8 A. No, it's okay.</p> <p>9 Q. Got it. Okay.</p> <p>10 Let's take a look at Leckler</p> <p>11 Exhibit 13.</p> <p>12 (Email chain, RE: Update from</p> <p>13 Dr. Gilson, Bates CUYAH_002048206</p> <p>14 through CUYAH_002048210, marked as</p> <p>15 Deposition Exhibit 13.)</p> <p>16 THE WITNESS: (Reviewing</p> <p>17 document.)</p> <p>18 BY MR. RUIZ:</p> <p>19 Q. All set?</p> <p>20 A. All set.</p> <p>21 Q. Let's start on what's page 209,</p> <p>22 which is the beginning of the first in time</p> <p>23 email.</p> <p>24 If you look up at the top, it's</p> <p>25 "Update from Dr. Gilson."</p>
<p style="text-align: right;">Page 227</p> <p>1 have a lot of visitors that come to</p> <p>2 court and we have at times had our</p> <p>3 clients raise their hand if they suffer</p> <p>4 from opiate use. And we have the</p> <p>5 majority of the court raise their hands.</p> <p>6 The judge will then ask them to</p> <p>7 please keep their hand raised if you</p> <p>8 started from a prescription, and half of</p> <p>9 them still have their hands raised.</p> <p>10 BY MR. RUIZ:</p> <p>11 Q. So in your experience --</p> <p>12 A. It's just -- yeah. It's not like</p> <p>13 a statistically-ran study, it's just to</p> <p>14 demonstrate at that point in time what we</p> <p>15 currently have in the courtroom.</p> <p>16 Q. Well, I want to make sure that</p> <p>17 we're using the right words here because I</p> <p>18 thought earlier you said, when you used the</p> <p>19 word "opiate," that you were talking just</p> <p>20 about prescriptions, right?</p> <p>21 A. Yes.</p> <p>22 Q. But in what you just told me, you</p> <p>23 said that the judge asks for people to raise</p> <p>24 their hand who have an opiate addiction, and</p> <p>25 then to keep their hands raised if that</p>	<p style="text-align: right;">Page 229</p> <p>1 If you look a couple pages before</p> <p>2 that, it's a very long distribution list, but</p> <p>3 it's actually from Vince Caraffi.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. He says:</p> <p>6 "Good morning. Please review the</p> <p>7 citation below, sent on behalf of</p> <p>8 Dr. Gilson. At the April task force</p> <p>9 meeting, Tom indicated local data was</p> <p>10 showing an increased trend in the</p> <p>11 number of overdose fatalities from</p> <p>12 heroin, fentanyl, with no history of</p> <p>13 overprescribing pain medication."</p> <p>14 So that is consistent with what</p> <p>15 you were saying earlier in which some portion</p> <p>16 of heroin users might never have -- might not</p> <p>17 have started with prescription opioids,</p> <p>18 right?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: Correct.</p> <p>21 BY MR. RUIZ:</p> <p>22 Q. If you look below that, there's</p> <p>23 a -- what appears to be a brief synopsis of a</p> <p>24 study that was done.</p> <p>25 And Vince Caraffi writes:</p>

<p style="text-align: right;">Page 230</p> <p>1 "This article supports 2 Dr. Gilson's thoughts and should be 3 included in future prevention 4 messaging." 5 And if you look on the next page, 6 it says that -- under "Results," the second 7 sentence -- 8 A. Uh-huh. 9 Q. (Reading.) 10 "The use of commonly prescribed 11 opioids, oxycodone and hydrocodone, 12 dropped from 42.4 percent and 42.3 13 percent of opioid initiators, 14 respectively, to 24.1 percent and 15 27.8 percent in 2015, such that 16 heroin as an initiating opioid was 17 now more frequently endorsed than 18 prescription opioid analgesics." 19 Do you see that? 20 A. I do. 21 Q. And that seems to back up what 22 you've seen anecdotally, and what Dr. Gilson 23 has seen anecdotally, which is that there are 24 people who are -- who have opioid addictions 25 for whom heroin is the first opioid that they</p>	<p style="text-align: right;">Page 232</p> <p>1 BY MR. RUIZ: 2 Q. Right. 3 If you look at the beginning of 4 the email -- 5 A. Yes. 6 Q. -- Vince Caraffi says: 7 "Please review the citation below 8 sent on behalf of Dr. Gilson. At the 9 April task force meeting, Tom" -- 10 Meaning Tom Gilson, right? 11 A. Uh-huh. 12 Q. -- "indicated local data was showing 13 an increasing trend in the number of 14 overdose fatalities from 15 heroin/fentanyl with no history of 16 overprescribing of pain medication." 17 A. Okay. 18 MR. BADALA: Objection to form. 19 THE WITNESS: A few things. I do 20 not recall fully reading this email, 21 number 1. 22 Number 2, I'm wondering why he 23 sent this when the study was 2015, and 24 he says "recent study." That's where 25 I'm confused.</p>
<p style="text-align: right;">Page 231</p> <p>1 use? 2 MR. BADALA: Objection to form. 3 THE WITNESS: Yes. However, it's 4 2015. 5 BY MR. RUIZ: 6 Q. Right. So at the time of 2015, is 7 what I'm saying. 8 A. Which is weird because the email 9 was sent on 2017. 10 Q. It might be that the study was -- 11 A. Yeah, old. 12 Q. -- completed -- 13 A. Old. Okay. 14 Q. But this is something that 15 Dr. Gilson is seeing -- his email is -- 16 He's sending this along saying the 17 local data in 2017, right? 18 A. Okay, so -- 19 MR. BADALA: Objection to form. 20 THE WITNESS: I didn't write the 21 email. I see where it says, "Update 22 from Dr. Gilson." However, the email is 23 from Vince Caraffi, so I'm just 24 confused. 25</p>	<p style="text-align: right;">Page 233</p> <p>1 What do you want me to respond to? 2 Because I did not write this email. 3 BY MR. RUIZ: 4 Q. What I'm asking you is, is this 5 consistent with your experience in the Drug 6 Court that not everyone who has an opioid 7 addiction started with prescription opiates? 8 MR. BADALA: Objection to form. 9 Misstates prior testimony. 10 THE WITNESS: Yes. As I stated 11 previously, not all of the clients that 12 I have that suffer from opioid use 13 resulted in a hundred percent 14 from-prescription medication. 15 BY MR. RUIZ: 16 Q. And, in fact, what Dr. Gilson 17 appears to be saying is that there's an 18 increasing trend in people who have no 19 history of overprescribing of pain 20 medication, right? 21 MR. BADALA: Objection to form. 22 BY MR. RUIZ: 23 Q. Among those who have overdosed. 24 MR. BADALA: Objection to form. 25 THE WITNESS: I'm not Dr. Gilson.</p>

<p style="text-align: right;">Page 234</p> <p>1 BY MR. RUIZ: 2 Q. Well -- 3 A. You would have to ask Dr. Gilson. 4 Q. Okay. 5 A. Yeah. Because it's a 2017 email 6 from a 2015 study. 7 Q. Well, you said that you trusted 8 Dr. Gilson earlier, right? 9 MR. BADALA: Objection to form. 10 THE WITNESS: Yes. 11 BY MR. RUIZ: 12 Q. So if he said it, you're going to 13 take his word for it? 14 MR. BADALA: Objection to form. 15 THE WITNESS: Yes. I'm going to 16 believe Dr. Gilson, with the statistics 17 that he puts out on his medical 18 examiner's office. 19 However, this email is coming from 20 Vince Caraffi on behalf of Dr. Gilson. 21 I can't speak -- I wasn't there, so I 22 don't know. 23 BY MR. RUIZ: 24 Q. Well, was -- 25 A. Again --</p>	<p style="text-align: right;">Page 236</p> <p>1 screened for Vivitrol MAT did NOT 2 have a h/o" -- 3 Which means history of? 4 MR. BADALA: Objection to form. 5 THE WITNESS: Yes. But he also 6 says, "It is a small sample size." 7 BY MR. RUIZ: 8 Q. I know. I'm going to finish 9 reading. 10 A. Thank you. 11 Q. -- "did not have a history of opioid 12 addiction following a Rx for 13 Percocet, OxyContin, et cetera. 14 "It's a small sample size, but 15 out of approximately 150 patients, a 16 majority began using opioids just for 17 recreational purposes." 18 So with the caveat that it's a 19 small sample size, Dr. Tallman seems to be 20 agreeing with Dr. Gilson, right? 21 MR. BADALA: Objection to form. 22 THE WITNESS: I have no idea what 23 kind of assessment Dr. Tallman does in 24 the jail. 25</p>
<p style="text-align: right;">Page 235</p> <p>1 Q. Go ahead. 2 A. And, again, I would refer back to 3 why we are talking about 2017 with a study 4 from 2015. 5 Q. Let's look at page 207. 6 And if you look there, above all 7 the email addresses -- 8 A. Yes. 9 Q. -- from Thomas Tallman. 10 Who is Mr. Tallman? 11 A. It's Dr. Tallman. 12 Q. Dr. Tallman. 13 A. He is the medical director in the 14 Cuyahoga County Jail. 15 Q. Why does he have a MetroHealth 16 email address? 17 A. Because the -- 18 MR. BADALA: Objection to form. 19 THE WITNESS: Because MetroHealth 20 oversees the medical in the jail. 21 BY MR. RUIZ: 22 Q. Okay. 23 And Dr. Tallman says: 24 "I can also add that a 25 significant number of inmates I have</p>	<p style="text-align: right;">Page 237</p> <p>1 BY MR. RUIZ: 2 Q. Well, I'm not asking what kind of 3 assessment he does. I'm asking whether it 4 seems like he's agreeing with what Dr. Gilson 5 is saying? 6 MR. BADALA: Objection to form. 7 THE WITNESS: I don't know. I'm 8 not Dr. Tallman. You would have to ask 9 him. 10 BY MR. RUIZ: 11 Q. If we go all the way to the front, 12 Lou Lamarca, who is the clinical director at 13 Community Assessment and Treatment Services, 14 which is -- also we've referred to as CATS 15 today; is that right? 16 A. That is correct. 17 Q. He seems to also be agreeing. He 18 says: 19 "This is consistent with what we 20 are seeing as well. It is rare for 21 one of our clients to have started 22 with a medically-necessary opioid 23 Rx." 24 So we've seen Mr. Lamarca, 25 Dr. Tallman, Dr. Gilson, and the study. Does</p>

<p style="text-align: right;">Page 238</p> <p>1 it seem fair that a portion of people who 2 have opioid addiction never started with a 3 prescription? 4 MR. BADALA: Objection to form. 5 THE WITNESS: I can speak on my 6 behalf. I cannot speak on Lou Lamarca's 7 behalf. 8 The clients that I have there 9 represent a very small population of 10 community assessment services. They 11 have over 100 beds on the male side and 12 about 65 on the female side, so I cannot 13 speak on his behalf. 14 BY MR. RUIZ: 15 Q. Does it seem like he's agreeing 16 with Dr. Tallman and Dr. Gilson? 17 MR. BADALA: Objection to form. 18 THE WITNESS: It's not for me to 19 comment. 20 BY MR. RUIZ: 21 Q. You just don't know? 22 MR. BADALA: Objection to form. 23 THE WITNESS: I don't know. 24 BY MR. RUIZ: 25 Q. Okay.</p>	<p style="text-align: right;">Page 240</p> <p>1 Global Appraiser of Individual Needs. 2 It is an assessment that assesses 3 a person's level of care and what their 4 substance abuse need is. 5 Q. And what was the process for 6 getting that certification? 7 A. So I had to travel to Normal, 8 Illinois, for five days and go through 9 training, and then do mock assessments that 10 were recorded and taped and audited by a 11 specialist. 12 And then I had to come back to the 13 office and do that in the office as well and 14 submit audiotapes, and do the same thing to 15 obtain my Gain certification. 16 So I also -- at one time when I 17 was a probation officer, I did a lot of 18 motivational interview training to be an 19 expert on motivational interviewing. 20 Q. Any other certifications? 21 A. No. 22 Q. Have you received any training 23 related to law enforcement? 24 A. I've had defensive tactics, pepper 25 spray training, if that counts.</p>
<p style="text-align: right;">Page 239</p> <p>1 I want to back up and just quickly 2 run through your education. 3 After high school, could you just 4 run through what formal education you've had. 5 A. I obtained my bachelor's degree 6 from Kent State University. 7 Q. And what was your degree in? 8 A. Psychology. 9 Q. Have you had any postgraduate 10 education? 11 A. I've had some classes in the 12 public administration field at CSU. I 13 started to go back for my master's degree, 14 but then I became the coordinator and I could 15 not juggle being a mom, going back to school, 16 and having a full-time job, all together. 17 Q. And so you've not completed the 18 master's program? 19 A. I have not. 20 Q. Do you have any licenses? 21 A. No, I do not. 22 Q. Do you have any certifications? 23 A. I am Gain certified. 24 Q. And what is that? 25 A. A Gain-certified assessor means</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. Anything else? 2 A. No. 3 Q. What about training related to 4 medicine? 5 A. No. 6 Q. Related to pharmacy? 7 A. No. 8 Q. What did you do to prepare for 9 today's deposition? 10 A. I met with my attorneys. 11 Q. How many times did you meet? 12 A. Once. 13 Q. For how long? 14 A. About three hours. 15 Q. And which attorneys did you meet 16 with? 17 A. I met with him and Mr. Gallucci. 18 Q. Was there anyone in the room who 19 was not an attorney or not employed by 20 Mr. Badala's law firm? 21 A. No. 22 MR. BADALA: I like the sound of 23 "Mr. Badala's law firm." 24 BY MR. RUIZ: 25 Q. Did you review any documents?</p>

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1 A. Yes.

2 Q. What kind of documents?

3 MR. BADALA: I'm just going to

4 object and instruct you not to disclose

5 the documents that you were shown.

6 BY MR. RUIZ:

7 Q. Did you review the complaint in

8 this case?

9 A. No.

10 Q. You haven't seen it?

11 A. No.

12 Q. Did you review any of the

13 interrogatories in this case?

14 MR. BADALA: Are we saying ever,

15 or during the prep? Because if it's --

16 you're asking during the prep, I'm going

17 to instruct her not to answer.

18 THE WITNESS: I don't even know

19 what it means, so --

20 BY MR. RUIZ:

21 Q. Okay.

22 Did you speak with anyone at the

23 courthouse about your deposition today?

24 A. I let my assistant know that I

25 would be out of the office.

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1 Q. Anyone else?

2 A. I let Judge Matia know that I

3 would be out of the office.

4 Q. Did you talk to anyone about the

5 substance of this deposition at all?

6 A. No.

7 Q. Did you do any research?

8 A. No.

9 Q. So you didn't look at the

10 complaint.

11 What do you know about this

12 lawsuit?

13 MR. BADALA: Objection to form.

14 THE WITNESS: What do I know about

15 the lawsuit?

16 My understanding of the lawsuit is

17 that the county is suing the

18 pharmaceutical companies for damages

19 that have occurred here in Cuya County.

20 BY MR. RUIZ:

21 Q. Were you involved at all in the

22 lawsuit before it was filed?

23 A. No.

24 Q. Were you asked to provide any

25 information for the complaint?

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1 A. Was I asked to provide any

2 information for the complaint? Yes.

3 Q. Did you?

4 A. Yes.

5 Q. Were you asked to provide any

6 information in response to interrogatories?

7 A. Again, can you tell me what

8 "interrogatories" means?

9 Q. I'm guessing probably not, but

10 anyway --

11 A. Okay.

12 Q. Interrogatories are questions

13 posed to the parties, written questions posed

14 to the parties from the other side.

15 A. Okay. So ask me again.

16 Q. Were you asked to provide any

17 information to respond to interrogatories?

18 A. Can you ask it a different way?

19 Q. It's okay.

20 A. Okay.

21 Q. Do you know whether doctors are

22 defendants in this case?

23 A. I do not know.

24 Q. Do you think they should be?

25 MR. BADALA: Objection to form.

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1 THE WITNESS: It's not my opinion.

2 BY MR. RUIZ:

3 Q. What's not your opinion?

4 A. I do not have an opinion on it.

5 Q. You don't know have an opinion.

6 A. No.

7 Q. Okay.

8 You don't know if they played any

9 role in opioid abuse?

10 MR. BADALA: Objection to form.

11 THE WITNESS: I do not. I don't

12 know what their role played.

13 BY MR. RUIZ:

14 Q. Have you heard of the term "pill

15 mill"?

16 A. I've heard of it.

17 Q. And what do you know -- what is a

18 pill mill?

19 A. I don't know.

20 Q. Do you know whether any drug

21 dealers are defendants in this litigation?

22 MR. BADALA: Objection to form.

23 THE WITNESS: I have no idea.

24 BY MR. RUIZ:

25 Q. Do you think they should be?

<p style="text-align: right;">Page 246</p> <p>1 MR. BADALA: Objection to form. 2 THE WITNESS: I have no opinion. 3 (Email with article: Elyria man 4 charged with distribution of 5 heroin and fentanyl, including 6 fentanyl that caused the death of 7 an Elyria resident, Bates 8 SUMMIT_00912771 through 9 SUMMIT_00912773, marked as 10 Deposition Exhibit 14.) 11 BY MR. RUIZ: 12 Q. I'm showing you what's been marked 13 as Leckler Exhibit 14, Bates Number 14 SUMMIT_00912771. 15 If you look at the -- I'll start 16 at the top. This is the second email in 17 time -- sorry, the first email in time is 18 from Vince Caraffi. 19 Do you see that? 20 A. Yes. 21 Q. April 9th, 2014. 22 And if you look on the next page, 23 he writes: 24 "Heroin and fentanyl charges were 25 just unsealed five minutes ago</p>	<p style="text-align: right;">Page 248</p> <p>1 amount of heroin on the street? 2 MR. BADALA: Objection to form. 3 THE WITNESS: I have no opinion, 4 and I have no idea who Dr. Smith is. 5 MR. RUIZ: Okay. 6 We can take a short break? 7 THE VIDEOGRAPHER: Off the record. 8 4:30. 9 (Recess taken.) 10 THE VIDEOGRAPHER: We're back on 11 the record, 4:41. 12 MR. RUIZ: And I have no further 13 questions. I'll pass the witness. 14 THE VIDEOGRAPHER: We're off the 15 record. 4:42. 16 (Pause.) 17 THE VIDEOGRAPHER: We're back on 18 the record. 4:43. 19 --- 20 EXAMINATION 21 BY MS. RENDON: 22 Q. So good afternoon, Ms. Leckler. 23 My name is Carole Rendon. And as I mentioned 24 this morning, I represent the Endo defendants 25 in this litigation. And so I'm just going to</p>
<p style="text-align: right;">Page 247</p> <p>1 against" -- 2 And how do you pronounce that? Is 3 it Elyria? 4 A. Elyria, yes. 5 Q. -- "against an Elyria man charging 6 him with selling fentanyl that 7 caused the death of an Elyria 8 woman." 9 And that's a press release. 10 Do you think someone like the 11 defendant here should be a part of this 12 lawsuit? 13 MR. BADALA: Objection to form. 14 THE WITNESS: I have no idea. 15 BY MR. RUIZ: 16 Q. If you look at the first in time 17 email, the latest email -- 18 A. Okay. 19 Q. -- from Doug Smith -- Dr. Doug 20 Smith to Vince Caraffi, he writes: 21 "Interesting. Hopefully a new 22 approach that will help decrease the 23 amount of heroin on the street." 24 Do you agree that holding drug 25 dealers accountable would help decrease the</p>	<p style="text-align: right;">Page 249</p> <p>1 ask you a few additional questions. 2 And I'd just ask, as you have been 3 doing today, if you don't understand a 4 question that I've asked, please say so and I 5 will try to rephrase it, okay? 6 A. Okay. 7 Q. During the course of the day today 8 you've been using the word "opiate" and the 9 word "opioid," correct? 10 A. Correct. 11 Q. And I understand that, you know, 12 you have your own sort of personal definition 13 of what those two things mean. But I'm 14 wondering, for example, the Cuyahoga County 15 Opiate Task Force, its work is not limited to 16 prescription drugs, is it? 17 MR. BADALA: Objection to form. 18 THE WITNESS: No. 19 MR. BADALA: I'm sorry, I just 20 want to put one thing on the record 21 before we still continue. 22 If you could just put a standing 23 objection regarding Ms. Rendon 24 questioning a Cuyahoga witness. We've 25 exchanged some letters on this before.</p>

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1 We don't have to get into it any
2 further, but if you could just put a
3 standing objection.
4 BY MS. RENDON:
5 Q. You've also talked about the fact
6 that in Recovery Court, a hundred percent of
7 the clients have an opiate addiction; is that
8 correct?
9 A. They have an opioid.
10 Q. They have an opioid addiction.
11 And with respect to the Drug
12 Court, just so I can make sure that I
13 understand, if you said that 85 percent of
14 the people in Drug Court have an opiate
15 addiction, you misspoke; you meant opioid?
16 A. That is correct.
17 Q. So we would basically have to go
18 back through every single question that was
19 asked and answered to figure out when you
20 said opiate, if you meant only prescription
21 drugs, or if you meant both prescription and
22 illegal drugs; is that correct?
23 A. Okay.
24 MR. BADALA: Objection to form.
25

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1 THE WITNESS: Okay. I'm ready.
2 BY MS. RENDON:
3 Q. I think it would take us an
4 awfully long time to do that.
5 But I think maybe what we'll do is
6 we'll take a break at some point and maybe
7 pull out a dozen or so questions and make
8 sure that we can go back, because I think
9 there has been a significant amount of
10 confusion today on the record on that issue.
11 You talked about one of the
12 judges, I believe it was Judge Matia in
13 Drug Court, asking the participants to raise
14 their hand if they're addicted to an opiate
15 or an opioid?
16 MR. BADALA: Objection to form.
17 Asked and answered.
18 THE WITNESS: I believe I said
19 "we." I didn't say Judge Matia. I said
20 "Judge Matia would then ask..." But I
21 said "we". "We would ask."
22 BY MS. RENDON:
23 Q. "We would ask" what?
24 A. We would ask clients to raise
25 their hand if they suffered from opioid use.

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1 Q. And you said that the majority
2 would raise their hand; is that correct?
3 A. That is correct.
4 Q. And then the follow-up question
5 from Judge Matia would be what?
6 A. Would be, "Keep your hand raised
7 if you started by way of prescription
8 medication."
9 Q. And is there a third question
10 that's asked after those people keep their
11 hand up, or is that the end of the
12 questioning?
13 A. That is the end of the question.
14 Q. So Judge Matia doesn't ask, "Keep
15 your hand up if that prescription was given
16 to you for a medically necessary purpose by a
17 legitimate doctor"?
18 MR. BADALA: Objection to form.
19 THE WITNESS: No, it does -- no,
20 we do not.
21 BY MS. RENDON:
22 Q. And nobody asks them to keep their
23 hands in the air if they took a legitimate,
24 medically-necessary prescription as
25 prescribed?

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1 MR. BADALA: Objection to form.
2 THE WITNESS: I'm sorry. Say that
3 again.
4 BY MS. RENDON:
5 Q. And nobody also asked the
6 follow-up question to keep their hand in the
7 air if they took a medically-necessary,
8 legitimate prescription, only as directed?
9 MR. BADALA: Objection to form.
10 THE WITNESS: No.
11 BY MS. RENDON:
12 Q. So the only question is, "Was it a
13 prescription?" Is that right?
14 MR. BADALA: Objection to form.
15 THE WITNESS: Yes.
16 BY MS. RENDON:
17 Q. Does anybody ask the participants
18 when they have their hand in the air whether
19 they got those prescription opioids from a
20 drug dealer as opposed to a doctor?
21 A. Say that again.
22 (The reporter read back where
23 requested.)
24 MR. BADALA: Objection to form.
25 THE WITNESS: No. Because, like I

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1 said, we stop at the last question.
 2 BY MS. RENDON:
 3 Q. So there's no delving into the
 4 source of the prescription medication,
 5 correct?
 6 MR. BADALA: Objection to form.
 7 THE WITNESS: No.
 8 BY MS. RENDON:
 9 Q. Do you have any information as to
 10 what type of prescription drugs those
 11 individuals who still have their hand in the
 12 air were taking?
 13 A. Do I have any information in
 14 reference to the types of drugs --
 15 Q. Yeah.
 16 A. -- that were being prescribed?
 17 Q. So does the judge ask, "Keep your
 18 hand in the air if you started by using
 19 Percocet"? "Keep your hand in the air if you
 20 started by using Vicodin"?
 21 A. No. Because, again, I said that
 22 the last question is where it ends.
 23 Q. And you indicated earlier in your
 24 testimony here today that 85 percent of the
 25 participants in Drug Court have an opioid use

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1 disorder; is that right?
 2 A. That is correct.
 3 Q. Where do you get that number from?
 4 A. An assessment.
 5 Q. Which assessment?
 6 A. The clinical assessment, the
 7 second part of the eligibility process that
 8 we discussed earlier.
 9 Q. So I'm glad you said that because
 10 I'm obviously not being clear on my question.
 11 How do you come to the
 12 number "85" percent?
 13 What statistical analysis did you
 14 do that allows you to say that it's
 15 85 percent, as opposed to 87 percent, as
 16 opposed to 62 percent?
 17 MR. BADALA: Objection to form.
 18 THE WITNESS: The gentleman had
 19 asked me, would I say. And when I think
 20 of "would I say," that gives an
 21 estimate.
 22 So I said estimately[sic],
 23 85 percent of the participants we have
 24 in Drug Court are diagnosed with opioid
 25 use disorder.

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1 BY MS. RENDON:
 2 Q. But that's just a ballpark figure?
 3 A. That is correct.
 4 Q. But you could determine an exact
 5 number if you wanted to; is that correct?
 6 MR. BADALA: Objection to form.
 7 THE WITNESS: Absolutely.
 8 BY MS. RENDON:
 9 Q. And how would you go about doing
 10 that?
 11 A. I would look at all the
 12 assessments that we have done.
 13 Q. And when you looked at all of the
 14 assessments that you had done, how would you
 15 make the determination as to how many of the
 16 Drug Court participants have an opioid use
 17 disorder?
 18 A. In the DSM diagnosis, there is
 19 codes, so you could look at the codes.
 20 Q. In the assessment form, you could
 21 look at the DSM code; is that correct?
 22 A. That is correct.
 23 (Cuyahoga County Common Pleas
 24 Court, Case Information, Bates
 25 CUYAH_002040381 through

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1 CUYAH_002040408, marked as
 2 Deposition Exhibit 15.)
 3 BY MS. RENDON:
 4 Q. I'm showing you what's been marked
 5 as Exhibit 15 for your deposition. And as
 6 you'll see at the bottom, it has a Bates
 7 number, Cuyahoga 002040381 through 2040408.
 8 Is that the assessment form that
 9 you've been referring to? Is that an example
 10 of an assessment form?
 11 A. This is an assessment, in front of
 12 me.
 13 Q. And the DSM code that you're
 14 referring to, is that on page 1 under the
 15 DSM-5 diagnostic codes?
 16 A. I'm sorry. I'm a little taken
 17 back because it is an assessment with a
 18 client's name on it.
 19 Q. So don't refer to the client's
 20 name. I didn't --
 21 A. Okay.
 22 Q. -- refer to the client's name.
 23 I just handed --
 24 A. Okay.
 25 Q. -- you a document that was

<p style="text-align: right;">Page 258</p> <p>1 produced by Cuyahoga County to us in this 2 litigation. 3 A. Okay. 4 Q. It's not our document. It's your 5 document. 6 A. Okay. 7 Q. So I have no need for the 8 individual's name. 9 But do you see on the first page 10 where it says "Diagnostic Codes," is that 11 what you're referring to? 12 A. Yes, ma'am, that is correct. 13 Q. So this particular individual was 14 diagnosed with an opioid use disorder, a 15 cannabis use disorder, and a stimulant use 16 disorder; is that correct? 17 A. This client is -- "opioid use 18 disorder" -- you always kind of want to say 19 "severe." "Cannabis use disorder, severe. 20 Stimulant use disorder, mild." 21 Q. So this particular individual has 22 a severe disorder that involves more than one 23 drug? 24 A. That is correct. 25 Q. Both an opioid and cannabis?</p>	<p style="text-align: right;">Page 260</p> <p>1 heroin at age 16 and first used prescription 2 opiates at age 17"? 3 Did I read that correctly? 4 A. You did. 5 Q. And so with this particular 6 individual, he didn't -- or she didn't start 7 with a prescription opioid, their first drug 8 of abuse was heroin; is that correct? 9 MR. BADALA: Objection to form. 10 THE WITNESS: Their first drug of 11 use -- I would have to look at the other 12 diagnoses and see -- the other DSM. 13 I believe it says here that he 14 started using marijuana at the age of 15 13. And I'd have to read through to 16 determine the cocaine, what age that 17 started. 18 So if you talk about substance 19 use, I would have to look at all the 20 substance use, since he uses multiple 21 substances. 22 BY MS. RENDON: 23 Q. So based on this, it appears that 24 he started using marijuana at age 13 -- 25 A. Let me read the cocaine. I didn't</p>
<p style="text-align: right;">Page 259</p> <p>1 A. That is correct. 2 Q. Do you know what opioid is 3 involved with this particular individual? 4 A. I would have to read through the 5 assessment. 6 Q. Because you can't tell, because 7 whether it's prescription drugs or, for 8 example, heroin, it's the same code; is that 9 right? 10 A. It is the same code. It is the 11 same form of treatment. 12 Q. And so there's no way to just, by 13 looking at the code, figure out whether or 14 not somebody has ever used, let alone, abused 15 a prescription drug; is that right? 16 A. From the assessment, that is 17 correct. 18 Q. So let me draw your attention to 19 the page, it's page 3. The Bates Number at 20 the bottom is 2040383. 21 And I'll direct your attention to 22 the first paragraph -- no, second -- first 23 sentence of the second full paragraph. 24 And do you see there where it 25 says, "The client states that he first used</p>	<p style="text-align: right;">Page 261</p> <p>1 read the cocaine. 2 Q. Okay. 3 A. (Reviewing document.) 4 That is correct. It does -- 5 Q. And when did he report that he 6 started using cocaine? 7 A. At the age of 14. 8 Q. And heroin? 9 A. At the age of 16. 10 Q. And prescription drugs? 11 A. At the age of 17. 12 Q. And so if you were going to do the 13 analysis that we were talking about, you 14 would have to take every one of these 15 assessments that had that diagnostic code for 16 opioid use disorder and read through it to 17 find out if the individual first used a 18 prescription opioid or first used an illegal 19 opioid; is that correct? 20 A. I'm sorry. You said a lot in one 21 sentence. Can you please say that again? 22 Q. Sure. 23 To do the statistical analysis 24 that we were talking about, to get you to an 25 exact number of Drug Court participants who</p>

<p style="text-align: right;">Page 262</p> <p>1 began with the misuse or use of a 2 prescription opioid, you would have to not 3 look at the DSM code; you would have to pull 4 everyone who has a diagnostic code for opioid 5 use disorder, correct? 6 A. That is correct. 7 Q. And then you would have to read 8 through every one of those assessments, like 9 we just did with Exhibit 15, to see whether 10 the first drug that they used was heroin or 11 prescription drugs, correct? 12 A. That is correct. 13 Q. Or to see if they ever even used 14 prescription drugs? 15 A. That is correct. 16 Q. How would you know, for example, 17 with the individual whose assessment is 18 Exhibit 15, whether the prescription opiates 19 that this individual used were given to him 20 by a doctor for a legitimate medical need? 21 MR. BADALA: Objection to form. 22 THE WITNESS: I would have to read 23 through the assessment and see if 24 there's any indication. 25</p>	<p style="text-align: right;">Page 264</p> <p>1 prescription for opioids, as opposed to 2 obtaining them illegally, to check the OARRS 3 database? 4 A. If it was properly entered into 5 the OARRS, yes. 6 Q. And as you understand it, the 7 OARRS database is supposed to contain all 8 prescription opioids when prescribed by a 9 medical doctor, correct? 10 MR. BADALA: Objection to form. 11 THE WITNESS: I believe so. 12 BY MS. RENDON: 13 Q. And also when prescribed by other 14 medical professionals -- excuse me -- who 15 have a DEA registration and are authorized to 16 prescribe opioids, right? 17 It's not just medical doctors; 18 dentists, for example, can prescribe opioids? 19 MR. BADALA: Objection to form. 20 THE WITNESS: You would have to 21 say it again, I'm sorry. 22 Sorry, you said the DEA -- 23 BY MS. RENDON: 24 Q. So you understand that in order to 25 prescribe an opioid or other controlled</p>
<p style="text-align: right;">Page 263</p> <p>1 BY MS. RENDON: 2 Q. So go ahead and take a second to 3 do that. 4 A. Do you want me to read it out 5 loud? 6 Q. No. 7 A. (Reviewing document.) 8 Okay. Go ahead with the question. 9 Q. Is there any indication in this 10 individual's assessment that the prescription 11 opioids he reported using were given to him 12 by a medical doctor for a legitimate medical 13 purpose? 14 MR. BADALA: Objection to form. 15 THE WITNESS: I would have to read 16 through the whole assessment. 17 BY MS. RENDON: 18 Q. In the section that talks about 19 the diagnosis for opioid use disorder, is 20 there any indication of that fact? 21 MR. BADALA: Objection to form. 22 THE WITNESS: No, there is not. 23 BY MS. RENDON: 24 Q. Isn't another way to determine 25 whether or not this individual received a</p>	<p style="text-align: right;">Page 265</p> <p>1 substance, you have to be licensed and 2 registered with the DEA in order to do that? 3 MR. BADALA: Objection to form. 4 THE WITNESS: I do not know. 5 BY MS. RENDON: 6 Q. You know that if you checked 7 the OARRS database, you would be able to put 8 this individual's name in the database and 9 see whether or not there was a legitimate 10 prescription for an opioid listed anywhere in 11 that database, correct? 12 MR. BADALA: Objection to form. 13 MS. RENDON: Can I ask what was 14 the problem with the form of that 15 question? 16 MR. BADALA: It's vague and 17 ambiguous, the words, "medically 18 necessary." She's already testified. 19 Foundation, she's not a doctor. I can 20 keep going. 21 MS. RENDON: Okay. So I'm just 22 using the terminology from the 23 complaint. 24 MR. BADALA: Well, it's not her 25 words. She didn't draft the complaint,</p>

<p style="text-align: right;">Page 266</p> <p>1 so we can keep going through it.</p> <p>2 MS. RENDON: She apparently hasn't</p> <p>3 even read the complaint.</p> <p>4 BY MS. RENDON:</p> <p>5 Q. So, Ms. Leckler, let me put it</p> <p>6 this way. You understand that in the OARRS</p> <p>7 database you can check to see whether or not</p> <p>8 somebody received a prescription for opioids,</p> <p>9 correct?</p> <p>10 A. Carole, this individual is 21,</p> <p>11 so -- I believe he said he started using</p> <p>12 prescriptions at 17. So I cannot answer that</p> <p>13 because I do not know how far back the OARRS</p> <p>14 report goes, so I do not know.</p> <p>15 Q. You do know that there is</p> <p>16 information that you can obtain in the OARRS</p> <p>17 database regarding prescription opioids,</p> <p>18 correct?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. RENDON:</p> <p>22 Q. And if anybody had checked</p> <p>23 the OARRS database with respect to this</p> <p>24 individual, it would be in this assessment,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 268</p> <p>1 When you say 85 percent of the</p> <p>2 people in the Drug Court have an opioid use</p> <p>3 disorder; and, of that group, some subset you</p> <p>4 believe used a prescription opioid, you have</p> <p>5 no idea of that universe of Drug Court</p> <p>6 participants, how many of them had a</p> <p>7 prescription for an opioid, correct?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: That is correct.</p> <p>10 BY MS. RENDON:</p> <p>11 Q. You have no idea what percentage</p> <p>12 of them never had a legitimate prescription,</p> <p>13 they just bought them from a dealer on the</p> <p>14 street, right?</p> <p>15 MR. BADALA: Objection, form.</p> <p>16 THE WITNESS: I have no idea.</p> <p>17 BY MS. RENDON:</p> <p>18 Q. And you have no idea how many of</p> <p>19 them just took them out of their parents'</p> <p>20 medicine cabinet?</p> <p>21 A. I have no idea, no.</p> <p>22 Q. So that universe of people in the</p> <p>23 Drug Court who have an opioid use disorder</p> <p>24 that had some connection to a prescription</p> <p>25 opioid, you would have to do a lot of work to</p>
<p style="text-align: right;">Page 267</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: No. Because, like I</p> <p>3 said, the TASC case managers do not have</p> <p>4 authority to do an OARRS report.</p> <p>5 I had stated before that is in the</p> <p>6 second part process, and that's done by</p> <p>7 the probation staff.</p> <p>8 And I do not know -- I'm not an</p> <p>9 OARRS expert. I do not know how far</p> <p>10 back it goes, so I don't know if we</p> <p>11 would be able to look back and see that</p> <p>12 when he started using opiates at the age</p> <p>13 of 17, if it would come up in an OARRS</p> <p>14 report. I'm sorry. I do not know that</p> <p>15 answer.</p> <p>16 BY MS. RENDON:</p> <p>17 Q. And that's true for the entire</p> <p>18 population of the Drug Court; isn't that</p> <p>19 correct?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I don't know. I do</p> <p>22 not know because I'm not an OARRS</p> <p>23 expert.</p> <p>24 BY MS. RENDON:</p> <p>25 Q. No. So that's what I'm saying.</p>	<p style="text-align: right;">Page 269</p> <p>1 figure out how many of those people ever had</p> <p>2 a prescription for an opioid, correct?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: The universe of</p> <p>5 people? I don't know.</p> <p>6 BY MS. RENDON:</p> <p>7 Q. How would you go about determining</p> <p>8 how many current clients in the Drug Court</p> <p>9 ever had a legitimate prescription for an</p> <p>10 opioid?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: How would I</p> <p>13 determine if any individuals currently</p> <p>14 in the Drug Court program have ever</p> <p>15 legitimately had a prescription for</p> <p>16 narcotics?</p> <p>17 It would be impossible because the</p> <p>18 OARRS didn't always exist. If I had an</p> <p>19 individual that was 51 years old, it</p> <p>20 would be impossible for me to, for a</p> <p>21 fact, determine if they had ever been</p> <p>22 given prescription narcotics.</p> <p>23 BY MS. RENDON:</p> <p>24 Q. So there's literally no way to</p> <p>25 figure out the answer to that question; is</p>

<p style="text-align: right;">Page 270</p> <p>1 that right?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: There's no way for</p> <p>4 me to figure out the answer to that</p> <p>5 question.</p> <p>6 BY MS. RENDON:</p> <p>7 Q. Are you aware of anybody else who</p> <p>8 would have the ability to figure out the</p> <p>9 answer to that question?</p> <p>10 A. I am not.</p> <p>11 Q. You were shown not too long ago</p> <p>12 Exhibit 13, which I think is still in front</p> <p>13 of you. It's an email chain from</p> <p>14 October 10th of 2017.</p> <p>15 If you could pull that back out</p> <p>16 again.</p> <p>17 MR. BADALA: What exhibit?</p> <p>18 MS. RENDON: 13.</p> <p>19 A. This is the email from Lou Lamarca</p> <p>20 again?</p> <p>21 Q. Correct. You work with</p> <p>22 Lou Lamarca, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever contact him and</p> <p>25 question his statement in this email that "it</p>	<p style="text-align: right;">Page 272</p> <p>1 and discuss with him the statement in his</p> <p>2 email that, "Although it's a small sample</p> <p>3 size, out of approximately 150 patients" --</p> <p>4 that he saw -- "a majority began using</p> <p>5 opioids just for recreational purposes"?</p> <p>6 A. I did not.</p> <p>7 And, Carole, I don't recall</p> <p>8 reading this email when it came across my</p> <p>9 email feed.</p> <p>10 Q. And that's fine.</p> <p>11 A. Okay.</p> <p>12 Q. I'm just asking if you ever had</p> <p>13 any conversation with him about it.</p> <p>14 Did you ever contact him to let</p> <p>15 him know that this was inconsistent with your</p> <p>16 understanding of the population of the</p> <p>17 Drug Court?</p> <p>18 A. I did not.</p> <p>19 Q. And the Drug Court size is about</p> <p>20 the same size as the population that</p> <p>21 Dr. Tallman was looking at, about 150 people?</p> <p>22 A. I did not write it. I do not</p> <p>23 know.</p> <p>24 Q. No. I'm just asking you -- not</p> <p>25 about the email. Assuming that his statement</p>
<p style="text-align: right;">Page 271</p> <p>1 is rare for one of our clients to have</p> <p>2 started with a medically-necessary opioid</p> <p>3 prescription"?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MS. RENDON:</p> <p>7 Q. Did you ever have any conversation</p> <p>8 with Mr. Lamarca about his statement in this</p> <p>9 email?</p> <p>10 A. I did not.</p> <p>11 Q. Did you ever tell him that your</p> <p>12 understanding of the population of the Drug</p> <p>13 Court was inconsistent with what he said here</p> <p>14 in this email?</p> <p>15 A. I did not.</p> <p>16 Q. The prior email in the email chain</p> <p>17 came from Tom Tallman, who you also work</p> <p>18 with, correct?</p> <p>19 A. It's Dr. Tallman.</p> <p>20 Q. Dr. Tallman.</p> <p>21 A. Yes.</p> <p>22 Q. I said "Tom Tallman." That's his</p> <p>23 first name, right?</p> <p>24 A. That is correct.</p> <p>25 Q. Did you ever contact Dr. Tallman</p>	<p style="text-align: right;">Page 273</p> <p>1 is accurate, that his sample size was 150,</p> <p>2 that's similar in size to the number of</p> <p>3 clients in the Drug Court, correct?</p> <p>4 A. In the Drug Court program, around</p> <p>5 about, yes.</p> <p>6 Q. That's all I was asking, those are</p> <p>7 two similar sizes of people?</p> <p>8 A. Two similar numbers, yes.</p> <p>9 Coincidentally, yes.</p> <p>10 Q. And then, lastly, the email that</p> <p>11 started this email chain from Mr. Caraffi.</p> <p>12 Did you ever have a conversation</p> <p>13 with Mr. Caraffi about this email and the</p> <p>14 study that he forwarded onto this group?</p> <p>15 A. No. Because like I said, I do not</p> <p>16 recall reading through this email.</p> <p>17 Q. And did you ever have a</p> <p>18 conversation with Mr. Caraffi in which you</p> <p>19 discussed with him the fact that you thought</p> <p>20 a much higher percentage of the population of</p> <p>21 the Drug Court population may have started</p> <p>22 with prescription opioids than is reflected</p> <p>23 in this email chain?</p> <p>24 A. I did not.</p> <p>25 Q. Did you ever have a conversation</p>

<p style="text-align: right;">Page 274</p> <p>1 with Dr. Gilson about that?</p> <p>2 A. I did not.</p> <p>3 Q. We spent a lot of time today</p> <p>4 talking about sort of the Drug Court and when</p> <p>5 it started and how it's developed over time.</p> <p>6 You were there on day one; is that</p> <p>7 right?</p> <p>8 A. That is correct.</p> <p>9 Q. In fact, you were there before day</p> <p>10 one, because you were working for the</p> <p>11 Cleveland Drug Court before the county even</p> <p>12 had its own Drug Court?</p> <p>13 A. I was not -- I was there in</p> <p>14 County's day one, not Cleveland's. No.</p> <p>15 Q. No. But, I mean, you were</p> <p>16 involved in a Drug Court program in the</p> <p>17 county, that being the City of Cleveland's</p> <p>18 Drug Court program, before the county even</p> <p>19 had its own county-wide Drug Court?</p> <p>20 A. That is correct.</p> <p>21 (Email chain, RE: Drug Court,</p> <p>22 Bates CUYAH_010715371 through</p> <p>23 010715372, marked as Deposition</p> <p>24 Exhibit 16.)</p> <p>25</p>	<p style="text-align: right;">Page 276</p> <p>1 Q. -- "and I met this morning to</p> <p>2 review our options to respond to our SAMHSA</p> <p>3 Drug Court award."</p> <p>4 A. Yeah, I'm sorry. I was still</p> <p>5 reading it.</p> <p>6 Q. Oh, I apologize. Tell me when</p> <p>7 you're ready.</p> <p>8 A. And you want me to read the last</p> <p>9 paragraph?</p> <p>10 Q. No. I was just going to ask you a</p> <p>11 question about the email at the bottom --</p> <p>12 right here at the bottom of the first page.</p> <p>13 A. Okay. Let me read it through then</p> <p>14 first.</p> <p>15 Q. Okay.</p> <p>16 A. (Reviewing document.) Okay.</p> <p>17 Q. Okay.</p> <p>18 So that email is dated</p> <p>19 October 25th of 2010; is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. And Dan Peterca indicated that, in</p> <p>22 the Drug Court award:</p> <p>23 "We explain that in the last six</p> <p>24 months, the felony Drug Court has</p> <p>25 seen a dramatic rise in candidates</p>
<p style="text-align: right;">Page 275</p> <p>1 BY MS. RENDON:</p> <p>2 Q. I'm showing you what has been</p> <p>3 marked as Exhibit 16 for your deposition.</p> <p>4 And this is another email chain.</p> <p>5 At the bottom, it bears the Bates</p> <p>6 stamp CUYAH_010715371, and the backside is</p> <p>7 15372. And I'm going to just direct your</p> <p>8 attention to the front side of this email</p> <p>9 chain.</p> <p>10 You've already identified who</p> <p>11 Greg Popovich is. You've already identified</p> <p>12 who Dan Peterca is, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. And those are the same</p> <p>15 Greg Popovich and Dan Peterca in this email</p> <p>16 chain?</p> <p>17 A. I believe so.</p> <p>18 Q. And there is an indication in the</p> <p>19 email that's on the bottom half of the front</p> <p>20 side of this email that there's going to be</p> <p>21 an application for SAMHSA Drug Court funding;</p> <p>22 is that right?</p> <p>23 Do you see that? "The folks</p> <p>24 copied on this email" --</p> <p>25 A. Yes. I'm sorry.</p>	<p style="text-align: right;">Page 277</p> <p>1 with a heroin and opiate diagnoses."</p> <p>2 It's not grammatically correct,</p> <p>3 but I read it exactly as it's there, correct?</p> <p>4 A. That is correct.</p> <p>5 Q. And the felony Drug Court is the</p> <p>6 County Drug Court?</p> <p>7 A. That is correct.</p> <p>8 Q. And that's the court where you're</p> <p>9 the administrator?</p> <p>10 A. I'm the coordinator, correct.</p> <p>11 Q. Coordinator.</p> <p>12 And so, as the coordinator of the</p> <p>13 felony Drug Court in October of 2010, is your</p> <p>14 memory consistent with what Mr. Peterca wrote</p> <p>15 in this email at that time that in the prior</p> <p>16 six months, the felony Drug Court had seen a</p> <p>17 dramatic rise in candidates with a heroin and</p> <p>18 opiate diagnosis?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. RENDON:</p> <p>22 Q. And at if top of this email chain,</p> <p>23 there's an email from Greg Popovich, same</p> <p>24 day, just a little later in the day, in which</p> <p>25 he replies and says:</p>

<p style="text-align: right;">Page 278</p> <p>1 "Thanks Dan! Focus on 2 heroin/opiate users and providing 3 medications/treatment is a good 4 change." 5 Do you see that? 6 A. Yes, I do. 7 Q. And, again, as the coordinator of 8 the felony Drug Court program, do you -- is 9 that consistent with your view of the felony 10 Drug Court in October of 2010? 11 A. Yes. 12 Q. We also talked a little bit today 13 about medically-assisted treatment. 14 What is your understanding of 15 medically-assisted treatment, if you have 16 one? 17 A. Well, I'm not a doctor, but we use 18 medication-assisted treatment in our 19 programs. 20 Q. And as the coordinator of the Drug 21 Court, have you seen the medically-assisted 22 treatment to be effective or ineffective with 23 your client base? 24 MR. BADALA: Objection to form. 25 THE WITNESS: I am still waiting</p>	<p style="text-align: right;">Page 280</p> <p>1 is that correct? 2 A. That is correct. 3 Q. There was some delay in the 4 county's ability to actually get Vivitrol for 5 jail inmates; is that right? 6 A. There has been a delay to get 7 medication-assisted treatment across the 8 county, in general, not just in the county 9 jail. 10 Q. Why is that? 11 A. So I don't really necessarily have 12 a definition of why. It appears, in my 13 conversations with those that work for 14 different agencies, is they are very 12-step, 15 community-based, very old school way of 16 treatment. 17 So it has taken a lot of 18 education. It's taken a lot of training for 19 the community to understand what's going on, 20 why our ERs are flooded, why there's a 21 significant increase in overdoses every year, 22 and what they're dealing with on their 23 treatment episodes of those, not just Drug 24 Court related, why they keep coming back to 25 treatment.</p>
<p style="text-align: right;">Page 279</p> <p>1 for the overall ATP evaluation to be 2 determined, so I cannot say the impact 3 that it has had on the program yet. 4 I do know that is the SAMHSA 5 evidence-based standard. 6 BY MS. RENDON: 7 Q. What is the SAMHSA evidence-based 8 standard? 9 A. So basically the SAMHSA, Substance 10 Abuse and Mental Health agencies, has 11 recommended practices, and that is one of 12 their recommendations, that their 13 evidence-based model is that those do much 14 better when they have treatment, support, and 15 medication, as opposed to just treatment and 16 support, or one of those three things. 17 Q. And Judge Matia was in favor of 18 inmates getting Vivitrol in the jail before 19 they were released, was he not? 20 MR. BADALA: Objection to form. 21 THE WITNESS: Both Judge Matia and 22 Judge Synenberg were both, yes. 23 BY MS. RENDON: 24 Q. And you know that because you were 25 in meetings when they expressed that opinion;</p>	<p style="text-align: right;">Page 281</p> <p>1 I could go on and on. 2 Q. So there's a lack of education is 3 one of the big problems; is that right? 4 A. There's a lack in education. 5 There also was a lack of buy-in. 6 I think sometimes when you start 7 something new, it can be a little scary, 8 so -- I can talk a lot about it, only because 9 I have worked for so many years on trying to, 10 you know, help the agencies, help everyone 11 figure out what we can do to combat what's 12 going on. 13 Q. And medically-assisted treatment 14 is one of those things that could be done to 15 combat what's going on; is that correct? 16 MR. BADALA: Objection to form. 17 THE WITNESS: It's the standard. 18 BY MS. RENDON: 19 Q. It's the evidence-based standard? 20 A. That is correct. 21 Q. And so if it was more readily 22 available, more people could get more 23 effective treatment; is that correct? 24 MR. BADALA: Objection to form. 25 THE WITNESS: If it's more readily</p>

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1 available, yes.

2 BY MS. RENDON:

3 Q. And that's why both

4 Judge Synenberg and Judge Matia wanted people

5 leaving the jail to be able to get Vivitrol

6 as the first step in medically-assisted

7 treatment; is that right?

8 A. There is one medication. They

9 also recommended Suboxone or subutex.

10 Q. But a medically-assisted --

11 A. A medically --

12 Q. -- treatment was very important to

13 them?

14 A. That is correct.

15 (Email chain, Vivitrol Jail Shots,

16 Bates CUYAH_002051005 through

17 CUYAH_002051007, marked as

18 Deposition Exhibit 17.)

19 BY MS. RENDON:

20 Q. I'm going to show you what has

21 been marked as Exhibit 17 for your

22 deposition. It's an email chain.

23 First of all, it's Bates-stamped

24 CUYAH_002051005 through 1007.

25 A. Okay.

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1 Q. And just directing your attention,

2 first, to the email on the very first page,

3 the last email on the string because they

4 always go backwards in chronological order.

5 A. Uh-huh.

6 Q. It's dated 5/3/2016.

7 Do you see that, at the very top

8 of that first page?

9 A. I do.

10 Q. And do you see that you were

11 copied on that email chain?

12 A. I do.

13 Q. Do you have any reason to believe

14 you didn't receive the email?

15 A. No.

16 Q. Do you recall this particular

17 email?

18 A. Let me read through it.

19 Q. Okay.

20 A. (Reviewing document.)

21 So this email is something that

22 happened after we started. This email is in

23 regards to after the jail medication-assisted

24 treatment program that Judge Matia and I

25 started with the jail.

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1 Q. Well, if you would look at the

2 email on the first page, the one at the top,

3 the latest -- the last one in the string.

4 A. Uh-huh.

5 Q. And just let me know if I'm

6 reading this correctly.

7 This is an email from

8 Judge David Matia to Dr. Tallman, correct?

9 A. Uh-huh.

10 Q. You have to say "yes" or "no" for

11 the record.

12 A. Yes, sorry.

13 Q. And you were copied on this email,

14 correct?

15 A. Yes.

16 Q. And in the second paragraph,

17 Judge Matia writes:

18 "I am finding it difficult to

19 remain patient regarding our rollout

20 of Vivitrol. Many jails around the

21 state have been using it. I know

22 that Butler County and Lucas County

23 both have programs.

24 "Also, I spoke with Dr. Jerry

25 about your concerns, and he indicated

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1 that he would be glad to speak with

2 you about a planned protocol."

3 Do you see that?

4 A. I do.

5 Q. And then in the very last phrase

6 on the next paragraph, Judge Matia writes:

7 "Cuyahoga County is far behind

8 other areas in the state in its

9 adoption of MAT."

10 Did I read that correctly?

11 A. That is correct.

12 Q. And so does that refresh your

13 recollection that the Vivitrol program in the

14 jail had not yet begun as of the date of this

15 email? It had been announced, but not yet

16 implemented.

17 A. Well, we had been working on it.

18 If you refer to, I believe it's

19 stated later on in the email. I believe --

20 yeah. So it is the second paragraph:

21 "Molly Leckler and myself have

22 met with Dr. Tallman of Metro

23 Hospital in the County Jail. He is

24 working on a protocol."

25 Basically we had already started

<p style="text-align: right;">Page 286</p> <p>1 implementing that we needed to do to start 2 the program. 3 Q. But you hadn't yet started giving 4 inmates Vivitrol at this point, had you? 5 A. No. 6 Q. Do you know when that program 7 actually started, where inmates were actually 8 receiving Vivitrol? 9 A. I do not recall the exact date. 10 Q. Do you know what year? 11 A. I do not. 12 Q. Is there a document that you would 13 have that would allow you to determine that? 14 A. There would be invoices from 15 MetroHealth Medical Center, so, yes. 16 Q. And to whom would those invoices 17 be addressed? 18 A. They would be addressed to the 19 county, because they were paid for by county 20 moneys. 21 Q. So if we could find those 22 invoices, we could find when the Vivitrol was 23 actually starting to be administered to the 24 patients in the jail; is that right? 25 A. Absolutely.</p>	<p style="text-align: right;">Page 288</p> <p>1 BY MS. RENDON: 2 Q. And as you said, it is part of the 3 evidence-based practice that SAMHSA supports? 4 A. Again, it is one of the important 5 tools that SAMHSA recommends. 6 Q. We had a conversation earlier 7 about the IMD exclusion and the limit on the 8 number of treatment beds that a facility can 9 have. 10 Do you recall that? 11 A. I do. 12 Q. And is it your testimony that 13 eliminating the IMD exclusion was not 14 important? 15 MR. BADALA: Objection to form. 16 BY MS. RENDON: 17 Q. Here's what I'm trying to figure 18 out. 19 A. Thank you. 20 Q. I'll just ask you straight up. 21 So the IMD exclusion was in place. 22 And you were at a lot of meetings where 23 people were talking about it; is that right? 24 MR. BADALA: Objection to form. 25 THE WITNESS: Yes. I believe I</p>
<p style="text-align: right;">Page 287</p> <p>1 Q. And does that continue to this 2 day? 3 A. Thankfully, yes. 4 Q. And do you agree with 5 Judge Matia's assessment that 6 medication-assisted treatment is a vital tool 7 in the fight against addiction? 8 A. It's his opinion, not mine. 9 Q. I wasn't asking if that was your 10 opinion. I mean, I understand that -- you're 11 saying that that is not your opinion? You 12 disagree with him? 13 A. I don't know if I would word it 14 like that. That's his words, not mine. 15 I'm sorry. I should have phrased 16 it that way. 17 Q. Do you, yourself, as both the 18 coordinator of the Drug Court and the 19 Recovery Court, think that medically-assisted 20 treatment is an important tool in treating 21 people with an opioid use disorder? 22 MR. BADALA: Objection to form. 23 THE WITNESS: It is one of the 24 important tools. 25</p>	<p style="text-align: right;">Page 289</p> <p>1 was at meetings. 2 I believe we talked about it at 3 the Opiate Task Force. We talked about 4 it at the advisory board. It is 5 something that I know that Judge Matia 6 had expressed concern. 7 I was not a part of the other task 8 force, but I'm sure -- I don't know. I 9 know it's something that Judge Matia was 10 discussing with a lot of partners. 11 BY MS. RENDON: 12 Q. When you say "the other task 13 force," to which task force are you 14 referring? 15 A. There's another task force that I 16 was not a part of. 17 Q. And do you know the name of that 18 task force? 19 A. I believe that's the one that you 20 were involved in, the US Attorney's -- 21 Q. Are you referring to the 22 US Attorney's -- 23 A. Correct. 24 Q. -- Heroin and Opioid Task Force? 25 A. Correct.</p>

<p style="text-align: right;">Page 290</p> <p>1 Q. So you were not involved in that</p> <p>2 at all?</p> <p>3 A. I was not.</p> <p>4 I know that Judge Matia always</p> <p>5 came to my office after he was done with that</p> <p>6 task force.</p> <p>7 Q. And -- but you were at meetings in</p> <p>8 your own advisory board and the Cuyahoga</p> <p>9 County Opiate Task Force where the issue of</p> <p>10 the IMD exclusion was being discussed; is</p> <p>11 that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. And are you aware that a number of</p> <p>14 individuals involved in the advisory board</p> <p>15 were working on legislation to try to repeal</p> <p>16 that IMD exclusion?</p> <p>17 A. I do not know.</p> <p>18 (Advisory Board Meeting Minutes,</p> <p>19 2/18/16, Bates CUYAH_000117444</p> <p>20 through 000117449, marked as</p> <p>21 Deposition Exhibit 18.)</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. Let me show you Exhibit 18.</p> <p>24 These are advisory board minutes</p> <p>25 from February 18th of 2016. And they bear</p>	<p style="text-align: right;">Page 292</p> <p>1 A. I typically receive copies of the</p> <p>2 minutes about a week before the next</p> <p>3 scheduled meeting.</p> <p>4 Q. So directing your attention to the</p> <p>5 second page, bears Bates Number 117445.</p> <p>6 A. Uh-huh.</p> <p>7 Q. There is a description of a</p> <p>8 discussion regarding the IMD exclusion on</p> <p>9 that second page.</p> <p>10 Do you see that?</p> <p>11 A. I do.</p> <p>12 Q. And there are questions</p> <p>13 surrounding how the IMD is impacting access</p> <p>14 to treatment because the need is outweighing</p> <p>15 available beds.</p> <p>16 Do you see that statement?</p> <p>17 A. Yes. This was a presentation by</p> <p>18 Ed Stockhausen, and he presented like an IMD</p> <p>19 101 about what it is, what it does.</p> <p>20 Q. And you recall that presentation?</p> <p>21 A. I do.</p> <p>22 Q. So you have -- now looking at</p> <p>23 this, you have reason --</p> <p>24 A. Yes.</p> <p>25 Q. -- to believe you were in the room</p>
<p style="text-align: right;">Page 291</p> <p>1 Bates Number CUYAH_000117444 through 117449.</p> <p>2 And without making you read the</p> <p>3 entire set of minutes --</p> <p>4 A. Thank you.</p> <p>5 Q. -- those are -- that's the form of</p> <p>6 the minutes of the advisory board that you're</p> <p>7 accustomed to seeing, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And if you look at the very first</p> <p>10 page where it says "members present," you're</p> <p>11 listed. Is that right?</p> <p>12 A. Yes.</p> <p>13 Q. So do you have any reason to</p> <p>14 believe you were not at this meeting?</p> <p>15 A. I have reason to believe I was at</p> <p>16 the meeting. I do at times step out of the</p> <p>17 meeting.</p> <p>18 There is about 150 people that</p> <p>19 show up about an hour after this meeting and</p> <p>20 I do have to coordinate the graduation. So</p> <p>21 sometimes I do have to step out of the</p> <p>22 meeting.</p> <p>23 Q. But you also receive copies of the</p> <p>24 minutes after the meeting as a member of the</p> <p>25 advisory board; is that correct?</p>	<p style="text-align: right;">Page 293</p> <p>1 when this discussion was taking place; is</p> <p>2 that right?</p> <p>3 A. Yes. Because I organized the --</p> <p>4 his laptop to connect to the, you know,</p> <p>5 projector.</p> <p>6 Q. So he could show a PowerPoint?</p> <p>7 A. That is correct.</p> <p>8 Q. And directing your attention to a</p> <p>9 statement -- the second to the last statement</p> <p>10 at the bottom of that page. It says:</p> <p>11 "Judge Matia stated the Drug</p> <p>12 Court is fighting for treatment beds</p> <p>13 because there is not enough."</p> <p>14 Did I read that correctly?</p> <p>15 A. That is correct.</p> <p>16 Q. And does that comport with your</p> <p>17 memory of what Judge Matia was doing in</p> <p>18 February of 2016?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: I'm not Judge Matia,</p> <p>21 so I don't know exactly what he was</p> <p>22 doing.</p> <p>23 Are you asking at this meeting</p> <p>24 what did he say?</p> <p>25</p>

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1 BY MS. RENDON:
2 Q. No.
3 I'm asking you, in or around
4 February of 2016 -- because you were working
5 with Judge Matia as the coordinator of the
6 Drug Court. Was he, in fact -- was the
7 Drug Court, not Judge Matia, but was the
8 Drug Court, as he stated, fighting for
9 treatment beds because there is not enough?
10 A. That is correct.
11 Q. And more treatment beds are
12 important because a lot of people need
13 inpatient treatment; is that right?
14 A. Yes. However, there's many
15 different types of treatment beds.
16 Q. And so the treatment beds that the
17 Drug Court was fighting for in February of
18 2016, what type of treatment beds were those?
19 A. All beds.
20 Q. And by all beds, what do you mean?
21 A. I mean, beds at CATS, beds at
22 Stella, beds at some of our community
23 peer-run facilities, like the Lantern,
24 Absolute House, Ed Keating Center,
25 Jean Marie.

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1 Q. So both inpatient and intensive
2 outpatient?
3 A. They're all inpatient, but just
4 different types of beds.
5 Q. Okay.
6 And more beds would be helpful
7 because then more people who needed inpatient
8 treatment could get that kind of treatment;
9 is that correct?
10 MR. BADALA: Objection to form.
11 THE WITNESS: I don't know.
12 BY MS. RENDON:
13 Q. Well, why was the Drug Court
14 fighting for more beds?
15 A. Because we want more beds for the
16 community, not just for Drug Court.
17 Q. More beds for the community to do
18 what with?
19 A. Hopefully people will fill them
20 up.
21 Q. What people?
22 A. People that are addicted.
23 Q. And so I go back to my question.
24 You were fighting for more
25 treatment beds --

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1 A. Uh-huh.
2 Q. -- because you needed -- because
3 having treatment available is important to
4 help people who have an opioid use disorder;
5 is that correct?
6 MR. BADALA: Objection to form.
7 THE WITNESS: That is correct.
8 BY MS. RENDON:
9 Q. And so if the county had more
10 treatment beds available, more people could
11 be effectively treated; is that right?
12 MR. BADALA: Objection to form.
13 THE WITNESS: That's just one
14 part.
15 BY MS. RENDON:
16 Q. But it is a part?
17 A. It is a part.
18 Q. That's all I'm asking.
19 A. Okay.
20 Q. I'm not suggesting by my question
21 that it's the total solution to the problem.
22 A. Perfect.
23 Q. But it's something you were
24 fighting for because it was important?
25 MR. BADALA: Objection to form.

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1 THE WITNESS: It was something
2 that Judge Matia, on behalf of the Drug
3 Court program, was pushing. I
4 personally did not go out into the
5 community and speak about the IMD role.
6 BY MS. RENDON:
7 Q. I didn't suggest you were.
8 A. Okay.
9 Q. Did you disagree with the fact
10 that Judge Matia was pushing for more
11 treatment beds on behalf of the Drug Court?
12 A. I never disagree with my boss.
13 Q. I'm not asking whether you did so
14 out loud.
15 But internally, did you think he
16 was wrong, or did you think he needed more
17 treatment beds? You were the program -- you
18 are the program coordinator.
19 A. No.
20 Q. No what?
21 A. No. I did not disagree with him.
22 THE VIDEOGRAPHER: Can I change
23 media?
24 MS. RENDON: Sure.
25 THE VIDEOGRAPHER: Off record,

<p style="text-align: right;">Page 298</p> <p>1 5:31. 2 (Recess taken, 5:31 p.m. through 3 5:38 p.m.) 4 THE VIDEOGRAPHER: Back on the 5 record. 5:38. 6 BY MS. RENDON: 7 Q. Going back to the question I asked 8 you earlier about opiate and opioid and when 9 you were using them today. And doing this, 10 obviously, without having the transcript in 11 front of us, you talked earlier today about a 12 Smart Ohio money grant. 13 Do you remember that question? 14 A. I do. 15 Q. And was that grant limited to 16 prescription opioids or was that for all 17 opioids? 18 A. That was for all opioids. 19 Q. So if you referred to it and used 20 the term "opiate," that would have been a 21 misstatement, you really meant opioids; is 22 that right? 23 MR. BADALA: Objection to form. 24 THE WITNESS: That is correct. 25</p>	<p style="text-align: right;">Page 300</p> <p>1 use disorder that only involves prescription 2 opioids? 3 A. No. 4 Q. And is the Smart Ohio money grant 5 limited only to helping people who have a use 6 disorder associated with prescription 7 opioids? 8 A. No. 9 Q. You talked about the 10 Recovery Court being exclusively for people 11 with an opioid-use disorder; is that correct? 12 A. That is correct. 13 Q. And, again, by that we mean 14 illicit opioids, like heroin and fentanyl, or 15 it could be a prescription opioid like 16 Vicodin, correct? 17 A. Again, yes. 18 Q. And it could be Vicodin that the 19 person got as a result of a prescription from 20 a doctor or that they purchased from a drug 21 dealer on the street? 22 MR. BADALA: Objection to form. 23 THE WITNESS: That is correct. 24 BY MS. RENDON: 25 Q. So all of those different types of</p>
<p style="text-align: right;">Page 299</p> <p>1 BY MS. RENDON: 2 Q. And the same is true -- you talked 3 about an expansion of the Drug Court to an 4 additional afternoon session. 5 Do you recall that testimony? 6 A. Yes. 7 Q. And the people in that afternoon 8 session, that expansion was because there 9 were more people with an opioid-use disorder; 10 is that correct? 11 A. That is correct. 12 (Interruption in proceedings.) 13 BY MS. RENDON: 14 Q. So, again, if you were talking 15 about that afternoon Drug Court session and 16 using the word "opiate," that would have been 17 a misstatement. You meant opioids; is that 18 right? 19 MR. BADALA: Objection to form. 20 THE WITNESS: That is correct, 21 like we stated previously. 22 BY MS. RENDON: 23 Q. So let me just ask you straight 24 out. The afternoon Drug Court session, is 25 that for -- is that limited to people with a</p>	<p style="text-align: right;">Page 301</p> <p>1 access to opioids are contained -- are 2 contained in the group of people who have an 3 opioid-use disorder who are in Recovery 4 Court; is that right? 5 A. Like we stated previously, yes. 6 Q. When did Recovery Court become 7 limited to just people with an opioid-use 8 disorder? 9 A. It was our most recent grant that 10 the county obtained. 11 Q. And approximately when was that? 12 A. That was the end of last year. 13 Q. So anybody who entered Recovery 14 Court in 2018 should have an opioid-use 15 disorder; is that right? 16 A. I'm trying to recall the exact -- 17 I do not recall the exact month. 18 Q. But at some point in 2018, the 19 Recovery Court should be limited to people 20 who have an opioid-use disorder; is that 21 correct? 22 A. That is correct. 23 Q. Was it that same grant that also 24 restricted the clients in the Recovery Court 25 to people who were involved in either human</p>

<p style="text-align: right;">Page 302</p> <p>1 trafficking or commercial sex trafficking?</p> <p>2 MR. BADALA: Objection, form.</p> <p>3 THE WITNESS: I'm sorry. You said</p> <p>4 excluded them?</p> <p>5 BY MS. RENDON:</p> <p>6 Q. So you indicated that Recovery</p> <p>7 Court as a result of this grant is now</p> <p>8 limited to people with an opioid-use disorder</p> <p>9 and that they've suffered from some other</p> <p>10 type of trauma, correct?</p> <p>11 A. That is correct.</p> <p>12 Q. My memory was that you described</p> <p>13 that as human trafficking, but maybe I'm</p> <p>14 wrong.</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: You're not entirely</p> <p>17 correct. I described it as sexual</p> <p>18 exploitation and human trafficking.</p> <p>19 BY MS. RENDON:</p> <p>20 Q. So the people in Recovery Court</p> <p>21 today either were involved in sexual</p> <p>22 exploitation or human trafficking and have an</p> <p>23 opioid-use disorder?</p> <p>24 A. That is correct.</p> <p>25 Q. And that transition happened at</p>	<p style="text-align: right;">Page 304</p> <p>1 Bates numbers on it. But that's because that</p> <p>2 was the way it was produced to us by the</p> <p>3 County.</p> <p>4 (Spreadsheet, native document,</p> <p>5 Bates CUYAH_001714460, marked as</p> <p>6 Deposition Exhibit 19.)</p> <p>7 BY MS. RENDON:</p> <p>8 Q. So take a minute and take a look</p> <p>9 at that spreadsheet, if you would.</p> <p>10 And I'm not going to ask you to</p> <p>11 read every single line, but just look through</p> <p>12 it and tell me if you recognize what it is.</p> <p>13 A. Thank you.</p> <p>14 Yes, I --</p> <p>15 MR. BADALA: It hasn't been</p> <p>16 expanded to show all the information</p> <p>17 within it?</p> <p>18 MS. RENDON: We don't have paper</p> <p>19 large enough to do that. So I'm going</p> <p>20 to ask her some very specific questions</p> <p>21 about the fields that we can see.</p> <p>22 BY MS. RENDON:</p> <p>23 Q. But do you recognize this as being</p> <p>24 the spreadsheet of participants of</p> <p>25 Recovery Court in Cuyahoga County?</p>
<p style="text-align: right;">Page 303</p> <p>1 some point in 2018?</p> <p>2 A. That is correct.</p> <p>3 Q. Before that, there were more</p> <p>4 people who were eligible for Recovery Court?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: There were more</p> <p>7 people that were eligible?</p> <p>8 BY MS. RENDON:</p> <p>9 Q. So you could be eligible for</p> <p>10 Recovery Court before this grant went into</p> <p>11 place even if you hadn't been a victim of</p> <p>12 sexual exploitation or human trafficking,</p> <p>13 correct?</p> <p>14 A. That is correct.</p> <p>15 Q. You also talked earlier today</p> <p>16 about a spreadsheet. And I don't think this</p> <p>17 is the spreadsheet that you were talking</p> <p>18 about, but it is a spreadsheet that was</p> <p>19 produced by the County.</p> <p>20 And unlike some of the other</p> <p>21 documents that you've seen, this was produced</p> <p>22 in its native format, so only the first page</p> <p>23 has a Bates number, which is</p> <p>24 CUYAHOGA_001714460. And the rest of what has</p> <p>25 been marked as Exhibit 19 does not have any</p>	<p style="text-align: right;">Page 305</p> <p>1 A. I do.</p> <p>2 Q. I'm going to direct your attention</p> <p>3 to just the very last page. And, again,</p> <p>4 because of the way it was produced, there's</p> <p>5 no Bates number on the last page, but it's</p> <p>6 the last page of your Exhibit 19.</p> <p>7 And at the top, the very first</p> <p>8 date at the top is 1/3/2018.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And the last one at the bottom is</p> <p>12 June 11 of 2018.</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. And I don't want you to identify</p> <p>16 any of the people whose names are on here,</p> <p>17 but you recognize that these are current</p> <p>18 Recovery Court clients, correct?</p> <p>19 A. Let me see if it determines on</p> <p>20 here which court.</p> <p>21 Q. Well, I'll represent to you that</p> <p>22 we have a separate spreadsheet that's Drug</p> <p>23 Court, which I can give to you if you'd like</p> <p>24 to see that one. It's much longer.</p> <p>25 A. Yes, if it expands out. I'm just</p>

<p style="text-align: right;">Page 306</p> <p>1 trying to see. I thought that there was</p> <p>2 another row that indicates which court they</p> <p>3 go to.</p> <p>4 Q. It's a tab at the bottom of the</p> <p>5 Excel program that tells you.</p> <p>6 A. Okay.</p> <p>7 Q. But also, I think on some of</p> <p>8 them --</p> <p>9 A. Does this --</p> <p>10 Q. Do you not recognize the names of</p> <p>11 the clients that will allow you to determine,</p> <p>12 as you're sitting here today, whether this is</p> <p>13 Recovery Court or Drug Court, if you look at</p> <p>14 the column with the names of the people?</p> <p>15 A. It is. However, there's -- not</p> <p>16 everyone that's on this list was admitted.</p> <p>17 Q. So you believe these are people</p> <p>18 who were assessed?</p> <p>19 A. That is correct.</p> <p>20 Q. Is there a way to tell on the</p> <p>21 spreadsheet whether or not they were</p> <p>22 admitted, or is that just something that you</p> <p>23 know, yourself?</p> <p>24 A. I'm looking -- for example, if you</p> <p>25 look down where it says 2/26/2018 and</p>	<p style="text-align: right;">Page 308</p> <p>1 you said they were not admitted to the</p> <p>2 program because it says "closed." And I'm</p> <p>3 asking you to look just one person above</p> <p>4 that.</p> <p>5 A. Uh-huh.</p> <p>6 Q. And that one in that same column,</p> <p>7 it says "Case management." And my only</p> <p>8 question is does that mean that person was</p> <p>9 admitted into the Recovery Court program?</p> <p>10 A. I do know that individual, and I</p> <p>11 do know that she was admitted.</p> <p>12 Q. Okay.</p> <p>13 And immediately above that, it</p> <p>14 says "Eligible pending court."</p> <p>15 Do you know that individual and do</p> <p>16 you know whether or not that person was</p> <p>17 admitted?</p> <p>18 A. I do know that individual, and</p> <p>19 that individual was admitted previously, and</p> <p>20 as you see here, it says, "No treatment</p> <p>21 recommended." It's just -- that's a bad</p> <p>22 example.</p> <p>23 Q. So I picked a bad one?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 307</p> <p>1 3/1/2018 --</p> <p>2 Q. Uh-huh, I see that.</p> <p>3 A. You can see, "Office showed." You</p> <p>4 tab over, you see "Closed, other. Client</p> <p>5 has" --</p> <p>6 Q. Okay.</p> <p>7 A. I believe that there's some other</p> <p>8 indication determining that the client was</p> <p>9 not admitted -- formally admitted into the</p> <p>10 program or did not receive services.</p> <p>11 Q. So if it says "Case management,"</p> <p>12 does that mean they were admitted?</p> <p>13 A. Case management?</p> <p>14 Q. If you look at the line</p> <p>15 immediately above the one that you just</p> <p>16 pointed out, that same column, the person</p> <p>17 immediately above it, it says "Case</p> <p>18 management" in that same column where you</p> <p>19 read, "Closed, other."</p> <p>20 A. Okay. Ask me the question again.</p> <p>21 Q. So you just pointed out a line of</p> <p>22 a person where, in the far left-hand column,</p> <p>23 it was 2/26, and then 3/01, right?</p> <p>24 A. Yes.</p> <p>25 Q. And when you followed it across,</p>	<p style="text-align: right;">Page 309</p> <p>1 Look down at the far left-hand</p> <p>2 column, 3/27/18. And then the second column,</p> <p>3 4/3/18. Do you know that person?</p> <p>4 A. 3/27, yes.</p> <p>5 Q. And was that person admitted into</p> <p>6 the Recovery Court?</p> <p>7 A. No.</p> <p>8 Q. And looking down, two down from</p> <p>9 that, where it also says "Eligible pending</p> <p>10 court" --</p> <p>11 A. I'm sorry, Carole. Do you want me</p> <p>12 to state he was admitted into Drug Court?</p> <p>13 Q. That's fine.</p> <p>14 A. Okay.</p> <p>15 Q. So further down from there,</p> <p>16 4/5/18, 4/16/18, was that person admitted</p> <p>17 into Drug Court -- admitted into</p> <p>18 Recovery Court?</p> <p>19 A. No. That individual was admitted</p> <p>20 into Drug Court.</p> <p>21 Q. Do you know why these individuals</p> <p>22 would be on a spreadsheet that is identified</p> <p>23 as being the Recovery Court spreadsheet?</p> <p>24 A. Because it's all individuals that</p> <p>25 are being assessed.</p>

<p style="text-align: right;">Page 310</p> <p>1 Q. So this is anybody assessed for 2 Recovery Court, whether they're admitted or 3 not? 4 A. Yes. This indicates all 5 individuals, Drug Court afternoon docket and 6 Recovery Court. 7 Q. Okay. So I don't want to spend 8 all day doing this. Just start with 4/9/18. 9 Look down and tell me if there's 10 anybody in that list who is in 11 Recovery Court, just the last group of folks. 12 A. Angel Barbich, I believe. 13 Q. Anybody else in that bottom group 14 who you recall as being in Recovery Court? 15 And you can do it by date number 16 rather than by name. 17 A. Yeah. I'm trying to recall. 18 Sometimes when I see all their names, because 19 I'm in all the courts, it's -- 20 Q. You don't remember? 21 A. I have to look at my other sheets. 22 Q. So this leads me to believe we 23 actually need that other spreadsheet that you 24 were talking about that I don't believe has 25 been produced.</p>	<p style="text-align: right;">Page 312</p> <p>1 BY MS. RENDON: 2 Q. It is Bates-stamped 3 CUYAHOGA_002040764, all the way through 4 2040838. I am not going to ask you to read 5 this entire document. I'm just going to ask 6 you if you know what it is. 7 A. Okay. I do. 8 Q. And what is it? 9 A. So this document is the site visit 10 report conducted by Helen Herberts and -- I'm 11 sorry, I forget the other individual's name. 12 This is in reference to the site visit that 13 SAMHSA had done on our previous 14 Recovery Court grant. 15 Q. And you received a copy of this 16 when it was done? 17 A. I did. 18 Q. Did you review it? 19 A. Mostly. 20 Q. And this is a site visit for the 21 Recovery Court, not the Drug Court? 22 A. That is correct. 23 Q. I want to just direct your 24 attention to Bates stamp number 002040812 at 25 the bottom right hand. Can you turn to that</p>
<p style="text-align: right;">Page 311</p> <p>1 A. We had so many. Yeah. 2 Q. So we'll deal with that with 3 counsel after the fact. We were hoping that 4 this was that spreadsheet, but it's clearly 5 not. 6 A. Okay. 7 Q. And I just wanted to make sure. I 8 thought I asked you this, but maybe I didn't. 9 The Recovery Court, when you say 10 it's now limited to people with an opioid-use 11 disorder, you mean it could be somebody who 12 is using heroin and never had a prescription; 13 it could be somebody who at one point had a 14 prescription; it could be somebody who never 15 had a legal prescription, correct? 16 MR. BADALA: Objection to form. 17 THE WITNESS: That is correct, as 18 we stated previously. 19 BY MS. RENDON: 20 Q. I'm going to show you what's been 21 marked as Exhibit 20 for your deposition. 22 (Site Visit Report, T1025925, June 23 15 - 17, 2016, Bates 24 CUYAH_002040764 through 002040838, 25 marked as Deposition Exhibit 20.)</p>	<p style="text-align: right;">Page 313</p> <p>1 page? 2 And in particular, there's a 3 section entitled, "Chapter 9: Effectiveness 4 Evaluation." 5 Do you see that? 6 A. Yes. 7 Q. And it says in the second full 8 paragraph: 9 "The Recovery Court coordinator 10 collects data needed for the overall 11 Recovery Court program, Ohio Supreme 12 Court, and federal data needed for 13 funding opportunities." 14 And it says, "The data collected 15 is reviewed quarterly and directly reflects 16 the Recovery Court's goals and objectives." 17 Do you see that reflected there? 18 A. I do. 19 Q. Is that an accurate description of 20 what you do as the Recovery Court 21 coordinator? 22 A. I do a lot. That's just a little 23 part. 24 Q. So this is one part of your 25 responsibilities, correct?</p>

<p style="text-align: right;">Page 314</p> <p>1 A. One little part.</p> <p>2 Q. And when they say "Recovery Court</p> <p>3 coordinator," that's just you, Ms. Leckler.</p> <p>4 There's nobody else?</p> <p>5 A. It's just me. I do have staff</p> <p>6 that assists me, though.</p> <p>7 Q. It says right here in the same</p> <p>8 chapter on effectiveness, "The Recovery Court</p> <p>9 collects the following information," and then</p> <p>10 there are a whole number of bullet points</p> <p>11 that actually continue on to the back of the</p> <p>12 next page.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Take a look at those. And my</p> <p>15 question to you is simply do you, in fact,</p> <p>16 collect all of that information?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I try to.</p> <p>19 BY MS. RENDON:</p> <p>20 Q. So to the best of your ability,</p> <p>21 all of the information referenced in the</p> <p>22 bullet points on 40812 and 40813 are</p> <p>23 collected?</p> <p>24 A. I try to.</p> <p>25 Q. You do your best?</p>	<p style="text-align: right;">Page 316</p> <p>1 TASC. Some of the reports are done by TASC.</p> <p>2 Q. So TASC would have some of this</p> <p>3 information as well?</p> <p>4 A. They may, yes.</p> <p>5 Q. Would you have copies of the</p> <p>6 information that TASC has compiled in your</p> <p>7 office?</p> <p>8 A. No.</p> <p>9 Q. Were you ever asked to put</p> <p>10 together documents or other information that</p> <p>11 might be responsive or relevant to the</p> <p>12 lawsuit?</p> <p>13 A. Yes.</p> <p>14 Q. You were asked to gather relevant</p> <p>15 information; is that right?</p> <p>16 A. Gather? I think I was asked to</p> <p>17 send what I had.</p> <p>18 Q. Can you describe for me what it is</p> <p>19 that you sent?</p> <p>20 A. I do not recall exactly. It was a</p> <p>21 while ago. I believe that it was about</p> <p>22 diagnoses, meaning about what substance use</p> <p>23 our clients have.</p> <p>24 Q. Do you recall approximately when</p> <p>25 you were asked to gather and provide that</p>
<p style="text-align: right;">Page 315</p> <p>1 A. I do my best with the staff that I</p> <p>2 have.</p> <p>3 Q. It's an important part of your</p> <p>4 job?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. RENDON:</p> <p>8 Q. Where -- if I wanted to find this</p> <p>9 information, where would I look?</p> <p>10 A. Which information would you like</p> <p>11 to know?</p> <p>12 Q. So it's not all housed in one</p> <p>13 place?</p> <p>14 A. A majority of it is, yes.</p> <p>15 Q. So tell me where the majority of</p> <p>16 the information would be located if I wanted</p> <p>17 to see it?</p> <p>18 A. We have a spreadsheet on the S</p> <p>19 drive that my assistant enters data when the</p> <p>20 staff releases the information, which is why</p> <p>21 I said I try and do my best.</p> <p>22 Q. And in addition to the spreadsheet</p> <p>23 on the S drive, where else would the data be</p> <p>24 located?</p> <p>25 A. If we have any missing data, with</p>	<p style="text-align: right;">Page 317</p> <p>1 information?</p> <p>2 A. I don't.</p> <p>3 Q. Do you recall ever receiving a</p> <p>4 document informing you that you couldn't</p> <p>5 destroy any documents that might be relevant</p> <p>6 to the litigation?</p> <p>7 A. I do. It was a while ago. I do</p> <p>8 not recall the exact date when I received it.</p> <p>9 Q. Did you get that by email or in a</p> <p>10 hard-copy form?</p> <p>11 A. I believe it was by email.</p> <p>12 Q. Have you abided by those</p> <p>13 instructions?</p> <p>14 A. Yes.</p> <p>15 Q. The spreadsheet on the S drive,</p> <p>16 does it still exist?</p> <p>17 A. Yes.</p> <p>18 Q. Did you print it out and give it</p> <p>19 to anybody when you were collecting relevant</p> <p>20 information?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I don't remember if</p> <p>23 that was the exact document.</p> <p>24 BY MS. RENDON:</p> <p>25 Q. Do you have any recollection of</p>

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1 providing that spreadsheet to anybody in
2 connection with this litigation?
3 MR. BADALA: Objection to form.
4 THE WITNESS: I remember providing
5 a documentation. I do not remember the
6 exact documentation.
7 BY MS. RENDON:
8 Q. Can you describe to me what it
9 looks like? And I'm asking because we
10 haven't seen it. So I want to go back before
11 I, you know, make a request for its
12 production and make sure we don't have it.
13 So that's why I was asking, if you
14 had printed it out, if you had given it to
15 somebody, if you had made the database
16 available to somebody, that would help us
17 figure out whether or not we have it. But
18 you don't remember one way or another; is
19 that correct?
20 A. I don't remember. I do not recall
21 the specifics of it.
22 Q. Can you describe for me what it
23 looks like and what it contains?
24 A. I know that it was an Excel sheet,
25 because the majority of the data that I have

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1 is in Excel sheets.
2 Q. Do you know how far back it goes?
3 A. I do not.
4 Q. Do you know what the columns are?
5 A. I do not.
6 Q. Can you access it yourself?
7 A. If I knew the exact document you
8 were referring to, yes, I could.
9 Q. The exact document I'm referring
10 to is the spreadsheet on the S drive that you
11 were describing as being the place where the
12 majority of this information is housed.
13 A. Yes.
14 Q. What is the file name for that
15 spreadsheet?
16 A. I believe it's "Cuyahoga County
17 Master."
18 Q. And in addition to you, who else
19 has access to that spreadsheet?
20 A. My assistant.
21 Q. And his or her name is?
22 A. Joan Gottermeyer.
23 Q. Could you spell her last name for
24 me?
25 A. G-o-t-t-e-r-m-e-y-e-r.

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1 Q. And was she also advised of the
2 obligation not to alter or destroy any
3 information relevant to the litigation?
4 MR. BADALA: Objection to form.
5 THE WITNESS: I don't know.
6 BY MS. RENDON:
7 Q. Did you -- when you received that
8 email communication advising you to maintain
9 documentation associated with the litigation,
10 did you share that with her?
11 A. I do not remember. I know that
12 she does not destroy any data.
13 Q. Do you have -- have you done
14 anything to make sure that the Cuyahoga
15 County Master spreadsheet has not been
16 altered or deleted?
17 A. That only her and I can edit the
18 data.
19 Q. But you didn't do anything to tell
20 her not to edit the data, did you?
21 MR. BADALA: Objection, form.
22 Misstates her testimony.
23 THE WITNESS: No.
24 BY MS. RENDON:
25 Q. I just want to ask you a couple

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1 questions about -- just in general, about
2 your work as the coordinator of the Drug
3 Court.
4 Do you work with anybody from the
5 Cleveland Division of Police on a regular
6 basis?
7 A. No.
8 Q. What about with the DEA?
9 A. No.
10 Q. FBI?
11 A. No.
12 Q. Ohio State Patrol?
13 A. No.
14 Q. Is there anybody in law
15 enforcement who you're coordinating with to
16 find out, for example, trends in what they're
17 seeing on the street from a law enforcement
18 perspective?
19 MR. BADALA: Objection to form.
20 THE WITNESS: No.
21 BY MS. RENDON:
22 Q. Is there anyone in law enforcement
23 to whom you're providing information about
24 what you're seeing in Drug Court or Recovery
25 Court that might be useful to them in their

<p style="text-align: right;">Page 322</p> <p>1 function as law enforcement officers?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: No. If there is</p> <p>4 somebody from the law enforcement entity</p> <p>5 that is at the advisory board or at the</p> <p>6 Opiate Task Force, obviously, if we</p> <p>7 would have had a conversation about</p> <p>8 that. I cannot recall a specific</p> <p>9 conversation.</p> <p>10 BY MS. RENDON:</p> <p>11 Q. Is there any mechanism in place</p> <p>12 today for you to either provide -- let's</p> <p>13 start it this way --</p> <p>14 A. Okay.</p> <p>15 Q. -- so I don't get an objection as</p> <p>16 to form.</p> <p>17 Is there any mechanism in place</p> <p>18 for you to provide information to any member</p> <p>19 of law enforcement about trends that you're</p> <p>20 seeing in the Drug Court or Recovery Court?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. RENDON:</p> <p>24 Q. Have you provided such information</p> <p>25 to anybody in law enforcement?</p>	<p style="text-align: right;">Page 324</p> <p>1 BY MS. RENDON:</p> <p>2 Q. Do you work on a regular basis</p> <p>3 with the City of Cleveland Drug Court?</p> <p>4 A. No.</p> <p>5 Q. There's no coordination between</p> <p>6 the two drug courts?</p> <p>7 A. No.</p> <p>8 Q. What about with the Drug Court in</p> <p>9 Summit County? Is there any interaction</p> <p>10 between you and your counterpart at the Drug</p> <p>11 Court in Summit County?</p> <p>12 A. I see them when I go to national</p> <p>13 trainings through the airplane to a SAMHSA</p> <p>14 grantee meeting with the coordinator from</p> <p>15 Summit County.</p> <p>16 And I obtain -- I witnessed their</p> <p>17 presentation at the -- like I stated before,</p> <p>18 at the opiate -- at the specialized docket</p> <p>19 conference last month.</p> <p>20 Q. Is there any routine communication</p> <p>21 between you and your counterpart at the</p> <p>22 Summit County Drug Court?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: No.</p> <p>25</p>
<p style="text-align: right;">Page 323</p> <p>1 A. I do not recall providing any</p> <p>2 information about the trends in Drug Court.</p> <p>3 Q. And the same thing in the reverse.</p> <p>4 Is there any mechanism in place for you to</p> <p>5 receive information from law enforcement with</p> <p>6 respect to the trends that they're seeing</p> <p>7 that could be relevant to either Drug Court</p> <p>8 or Recovery Court?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. RENDON:</p> <p>12 Q. Have you received any such</p> <p>13 information from members of law enforcement?</p> <p>14 A. I cannot say with an absolute</p> <p>15 because, obviously, I -- that other email, I</p> <p>16 received it, but I didn't review it line by</p> <p>17 line.</p> <p>18 Q. Do you have any recollection of</p> <p>19 receiving any information from anybody in law</p> <p>20 enforcement relevant to trends that they were</p> <p>21 seeing with respect to drug use in Cuyahoga</p> <p>22 County?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: I do not.</p> <p>25</p>	<p style="text-align: right;">Page 325</p> <p>1 BY MS. RENDON:</p> <p>2 Q. You're not in regular</p> <p>3 communication either by phone or email?</p> <p>4 A. No.</p> <p>5 Q. What about with the Akron City</p> <p>6 Drug Court? Are you in regular communication</p> <p>7 with anybody involved in the Akron City Drug</p> <p>8 Court?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. RENDON:</p> <p>12 Q. Have you ever shared any</p> <p>13 information, lessons learned from the</p> <p>14 Cuyahoga County Drug Court or Recovery Court</p> <p>15 with the coordinator of the City of Akron</p> <p>16 Drug Court?</p> <p>17 A. No.</p> <p>18 Q. Same question with respect to the</p> <p>19 coordinator of the Summit County Drug Court.</p> <p>20 A. What were you asking me if we had</p> <p>21 discussed?</p> <p>22 Q. Have you ever picked up the phone</p> <p>23 and called the coordinator of the</p> <p>24 Summit County Drug Task Force to say, "We</p> <p>25 just" -- "This is what we're doing in</p>

<p style="text-align: right;">Page 326</p> <p>1 Recovery Court. We just made this change to</p> <p>2 only opioids and people with" -- "who have</p> <p>3 been involved in sexual exploitation and</p> <p>4 human trafficking," as an example?</p> <p>5 A. The task force, you said?</p> <p>6 Q. No, the Summit County --</p> <p>7 A. The Summit --</p> <p>8 Q. I'm trying to find out if you</p> <p>9 share information on a regular basis with the</p> <p>10 coordinator of the Summit County Drug Court.</p> <p>11 A. No.</p> <p>12 Q. Do you share information on a</p> <p>13 regular basis with the coordinator of the</p> <p>14 City of Cleveland Drug Court?</p> <p>15 A. No.</p> <p>16 Q. Are you involved in events out in</p> <p>17 the community related to either Drug Court or</p> <p>18 Recovery Court?</p> <p>19 A. Yes.</p> <p>20 Q. What types of events?</p> <p>21 A. I attended Project 180 event. I</p> <p>22 attended -- I'm trying to remember the name.</p> <p>23 Community Assessment and Treatment Services</p> <p>24 had a gratitude night. I attended that.</p> <p>25 I'm so busy. I'm trying to</p>	<p style="text-align: right;">Page 328</p> <p>1 Q. Did you search for any relevant</p> <p>2 information in your calendar?</p> <p>3 A. No.</p> <p>4 Q. Do you also have a hard-copy</p> <p>5 calendar or just the iPhone calendar?</p> <p>6 A. Just the iPhone calendar that's</p> <p>7 synced to my Outlook. So it's all on my</p> <p>8 desktop.</p> <p>9 Q. So it's also on your desktop at</p> <p>10 work?</p> <p>11 A. Correct.</p> <p>12 Q. So in addition to it being on your</p> <p>13 -- is that a personal phone or a county</p> <p>14 phone?</p> <p>15 A. It's a personal phone.</p> <p>16 Q. But all of these meetings exist in</p> <p>17 an Outlook calendar on your desktop computer?</p> <p>18 A. That is correct.</p> <p>19 I also invite Judge Matia and my</p> <p>20 assistant to my calendar so that everyone</p> <p>21 knows where I am.</p> <p>22 Q. You indicated earlier that you had</p> <p>23 provided some information for the complaint;</p> <p>24 is that correct?</p> <p>25 A. I provided information?</p>
<p style="text-align: right;">Page 327</p> <p>1 remember -- to recall previous information.</p> <p>2 But, yeah, if there's something --</p> <p>3 Q. Do you keep track of your time</p> <p>4 when you attend those types of events?</p> <p>5 A. I do not get time for it. It's on</p> <p>6 my own time.</p> <p>7 Q. That wasn't my question. Do you</p> <p>8 keep track --</p> <p>9 A. So, no.</p> <p>10 Q. -- of your time?</p> <p>11 A. No.</p> <p>12 Q. Do you keep a calendar that</p> <p>13 records meetings, whether they be task force</p> <p>14 meetings or Project 180 meetings that you're</p> <p>15 attending?</p> <p>16 A. I have an iPhone calendar. So at</p> <p>17 times, most of my events are in there.</p> <p>18 Q. And when you were gathering up</p> <p>19 information relevant to the litigation, did</p> <p>20 you go through your calendar to see if there</p> <p>21 were specific meetings that related to, for</p> <p>22 example, the Cuyahoga County Opiate Task</p> <p>23 Force that would be relevant to the</p> <p>24 litigation?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 329</p> <p>1 Q. Did I hear that correct earlier,</p> <p>2 that you provided information for the</p> <p>3 complaint in this litigation?</p> <p>4 A. Yes. You had asked me about</p> <p>5 documentation. I provided documentation.</p> <p>6 Q. So the information you provided</p> <p>7 for the complaint was just the documentation</p> <p>8 that you described earlier today?</p> <p>9 A. Yes. I had a conversation on the</p> <p>10 phone.</p> <p>11 Q. And in addition to the documents</p> <p>12 that you provided for the complaint, did you</p> <p>13 collect any other documents, either from the</p> <p>14 S drive or anyplace else?</p> <p>15 A. I do not recall the specific</p> <p>16 documentation that I provided.</p> <p>17 Q. So to the best of your memory, it</p> <p>18 was assessments, is that -- am I correct?</p> <p>19 A. Yeah.</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: Yes. That's what's</p> <p>22 in the exhibit, yes.</p> <p>23 BY MS. RENDON:</p> <p>24 Q. Like the assessment form that we</p> <p>25 looked at?</p>

<p style="text-align: right;">Page 330</p> <p>1 A. That is correct.</p> <p>2 Q. You collected and provided those?</p> <p>3 A. Yes.</p> <p>4 Q. And just so I make sure that I'm</p> <p>5 clear, you don't recall any other documents</p> <p>6 other than the assessments that you collected</p> <p>7 and provided?</p> <p>8 A. I do not remember, no.</p> <p>9 Q. Did you do a search of your</p> <p>10 desktop computer to see if there was anything</p> <p>11 else on your desktop computer that was</p> <p>12 relevant to gather and provide it?</p> <p>13 A. Did I search -- when would I have</p> <p>14 searched -- did I search my computer to see</p> <p>15 if there was any information relevant --</p> <p>16 Q. To the litigation. When you were</p> <p>17 collecting the assessments to provide</p> <p>18 those --</p> <p>19 A. Okay.</p> <p>20 Q. -- did you search your desktop</p> <p>21 computer to see if there were other documents</p> <p>22 on your desktop computer that were relevant</p> <p>23 that should be provided?</p> <p>24 A. No.</p> <p>25 Q. What about your email? Did you</p>	<p style="text-align: right;">Page 332</p> <p>1 probably figure it out.</p> <p>2 MS. RENDON: Yeah. If you can go</p> <p>3 back and find us the Bates numbers, that</p> <p>4 would be extraordinarily helpful.</p> <p>5 MR. BADALA: Yes. Just send us a</p> <p>6 request and we'll take a look at it.</p> <p>7 MS. RENDON: But if that has not</p> <p>8 been produced, I'm just reserving that</p> <p>9 right.</p> <p>10 MR. BADALA: Are all the</p> <p>11 defendants done with their questions?</p> <p>12 MS. RENDON: No.</p> <p>13 MS. CHARLES: I have a few.</p> <p>14 THE VIDEOGRAPHER: Off the record</p> <p>15 at 6:11.</p> <p>16 (Pause in proceedings.)</p> <p>17 THE VIDEOGRAPHER: We're back on</p> <p>18 the record, 6:12.</p> <p>19 ---</p> <p>20 EXAMINATION</p> <p>21 BY MS. CHARLES:</p> <p>22 Q. Ms. Leckler, as you may recall, my</p> <p>23 name is Amber Charles. I represent McKesson</p> <p>24 Corporation.</p> <p>25 I know it's been a long day, so</p>
<p style="text-align: right;">Page 331</p> <p>1 search through your email?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I did not.</p> <p>4 BY MS. RENDON:</p> <p>5 Q. Did you look for any hard-copy</p> <p>6 documents in your office?</p> <p>7 A. I did not.</p> <p>8 MS. RENDON: So I don't have</p> <p>9 any -- myself, personally, I don't have</p> <p>10 any further questions at this time.</p> <p>11 I do want to make sure that I'm</p> <p>12 clear on the record that I think this</p> <p>13 spreadsheet is important and relevant.</p> <p>14 As far as I know, we don't have it.</p> <p>15 So I'm going to state for the</p> <p>16 record that we're going to hold open Ms.</p> <p>17 Leckler's deposition so that we can ask</p> <p>18 her questions about that spreadsheet</p> <p>19 when it's produced.</p> <p>20 MR. BADALA: I believe it has been</p> <p>21 produced. But we'll have to go back.</p> <p>22 MS. RENDON: Yeah. If you can go</p> <p>23 back --</p> <p>24 MR. BADALA: You're talking about</p> <p>25 14 million pages, but I'm sure we can</p>	<p style="text-align: right;">Page 333</p> <p>1 I'll do my best to not be repetitive of my</p> <p>2 colleagues, but I have a few more questions.</p> <p>3 A. Okay.</p> <p>4 Q. And like with my colleagues</p> <p>5 earlier, I'll ask that if you don't</p> <p>6 understand one of my questions, to please let</p> <p>7 me know so that I can rephrase it.</p> <p>8 Is that fair?</p> <p>9 A. Fair.</p> <p>10 Q. Great.</p> <p>11 And if you do not ask for</p> <p>12 clarification, I will presume that you</p> <p>13 understood my question.</p> <p>14 Is that fair?</p> <p>15 A. Fair.</p> <p>16 Q. Great.</p> <p>17 In your experience as the</p> <p>18 administrator of the Cuyahoga Drug Court,</p> <p>19 does the Drug Court have an annual budget?</p> <p>20 A. No.</p> <p>21 Q. Does the Drug Court have any sort</p> <p>22 of operating budget, whether annual or other?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: Yes.</p> <p>25</p>

<p style="text-align: right;">Page 334</p> <p>1 BY MS. CHARLES:</p> <p>2 Q. What is the form of the Drug</p> <p>3 Court's budget?</p> <p>4 A. So we have monies that's used to</p> <p>5 staff -- to staff personnel. We have monies</p> <p>6 that is used for treatment. We have monies</p> <p>7 that is used for drug testing.</p> <p>8 And it's just very difficult to do</p> <p>9 a proposed annual budget. For example, when</p> <p>10 legislation changes, sometimes our budget can</p> <p>11 change.</p> <p>12 Q. So when you state that it's very</p> <p>13 difficult to do a proposed annual budget,</p> <p>14 does that mean you do not do a proposed</p> <p>15 budget for the Cuyahoga County Drug Court?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: That is correct. I</p> <p>18 do not do.</p> <p>19 BY MS. CHARLES:</p> <p>20 Q. Does anybody else at the Cuyahoga</p> <p>21 Drug Court prepare a proposed budget?</p> <p>22 A. I don't know.</p> <p>23 Q. In your nearly ten years of</p> <p>24 experience at the Cuyahoga Drug Court, have</p> <p>25 you ever referred to a budget document?</p>	<p style="text-align: right;">Page 336</p> <p>1 Q. Sure. And thank you for that.</p> <p>2 My question was not about the</p> <p>3 needs that you have. My question was about</p> <p>4 whether there is an existing budget document.</p> <p>5 So is there a document to which</p> <p>6 you refer when you are determining what money</p> <p>7 is currently available in the Cuyahoga Drug</p> <p>8 Court?</p> <p>9 A. Yes. So I can refer to the ATP</p> <p>10 funds, Addiction Treatment Project funds, and</p> <p>11 the balance of that -- of those -- of that</p> <p>12 budget. I can refer to our SAMHSA grants,</p> <p>13 which is the county monies. I can refer to</p> <p>14 the ADAMHS Board budget.</p> <p>15 Q. Anything else?</p> <p>16 A. No.</p> <p>17 Q. So you identified three documents</p> <p>18 that you had referenced: ATP funds, the</p> <p>19 balance of the ATP funds, the SAMHSA grants,</p> <p>20 and the ADAMHS Board budget, if we could go</p> <p>21 through those one by one.</p> <p>22 ATP funds refer to funds from the</p> <p>23 State of Ohio, correct?</p> <p>24 A. That is correct. That is money --</p> <p>25 it's county money. So it is with the ADAMHS</p>
<p style="text-align: right;">Page 335</p> <p>1 A. Yes.</p> <p>2 Q. What budget document have you</p> <p>3 referred to?</p> <p>4 A. I have referred to the balances of</p> <p>5 money that the county has for treatment. I</p> <p>6 have referred to budgets that we may have to</p> <p>7 add staff. A number of things.</p> <p>8 Q. What things?</p> <p>9 A. So try to look at what we could</p> <p>10 use. We need money for sober living. We</p> <p>11 need money to expand our drug-testing</p> <p>12 capabilities. I had touched on a little bit</p> <p>13 before about the use of gabapentin.</p> <p>14 We are trying to figure out how we</p> <p>15 could obtain more funds to expand our drug</p> <p>16 testing. We would like to add more staff.</p> <p>17 We would like to add more community</p> <p>18 supervision.</p> <p>19 We would like to add more staff in</p> <p>20 the sense of community supervision, so more</p> <p>21 law enforcement. We would like to expand and</p> <p>22 add an additional judge. We would like to</p> <p>23 expand and add another person like myself.</p> <p>24 I can go on and on and on of the</p> <p>25 needs that we have.</p>	<p style="text-align: right;">Page 337</p> <p>1 Board.</p> <p>2 Q. When you say it is county money,</p> <p>3 what do you mean by "county money"?</p> <p>4 A. Meaning that it's for the County</p> <p>5 Drug Court, the County Recovery Court, and</p> <p>6 the Cleveland Municipal Court, which is in</p> <p>7 Cuyahoga County. The money is held with</p> <p>8 the -- our county ADAMHS Board. So</p> <p>9 therefore, that money cannot be used to treat</p> <p>10 someone in Summit County or --</p> <p>11 Q. Sure. So I understand that it is</p> <p>12 held with the county ADAMHS Board, but ATP</p> <p>13 funds come from the State of Ohio, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. So when you say they are county</p> <p>16 monies, you do not mean to suggest that they</p> <p>17 come out of the county budget?</p> <p>18 A. I guess.</p> <p>19 Q. They are funds, in other words,</p> <p>20 the State of Ohio has given to Cuyahoga</p> <p>21 County?</p> <p>22 A. That was awarded. We had to</p> <p>23 demonstrate a need.</p> <p>24 Q. So they are funds that the State</p> <p>25 of Ohio has awarded to Cuyahoga County?</p>

<p style="text-align: right;">Page 338</p> <p>1 A. Yes.</p> <p>2 Q. The next thing you identified</p> <p>3 was -- oh, I'm sorry.</p> <p>4 Is there a physical document that</p> <p>5 shows the ATP funds, the balance?</p> <p>6 A. You would have to check with the</p> <p>7 ADAMHS Board on the current balance.</p> <p>8 Q. So there's no physical document</p> <p>9 held by the Drug Court that has the current</p> <p>10 balance of ATP funds?</p> <p>11 A. That is correct.</p> <p>12 Q. The next item you referred to is</p> <p>13 the SAMHSA grants. You also referred to</p> <p>14 SAMHSA grants as county moneys.</p> <p>15 But SAMHSA is a federal government</p> <p>16 program, correct?</p> <p>17 A. That is correct.</p> <p>18 Q. So when you say "county monies,"</p> <p>19 are you again suggesting that SAMHSA grants</p> <p>20 are held by the ADAMHS Board?</p> <p>21 A. Yes. Most of our money is</p> <p>22 funneled through the ADAMHS Board. It was</p> <p>23 awarded to Cuyahoga County because we</p> <p>24 demonstrated a significant need for those</p> <p>25 funds.</p>	<p style="text-align: right;">Page 340</p> <p>1 previous email documentation. I'm not sure</p> <p>2 what number, but there is a balance of funds</p> <p>3 at the ADAMHS Board that they allocate to</p> <p>4 assist Drug Court clients.</p> <p>5 And it is just for treatment. It</p> <p>6 does not handle drug testing. It does not</p> <p>7 handle staff. It does not handle my</p> <p>8 position, bus tickets. It does not handle</p> <p>9 sober housing.</p> <p>10 Q. And is that money that you're</p> <p>11 referring to in the ADAMHS Board budget from</p> <p>12 Cuyahoga County or is it again from the state</p> <p>13 or federal governments?</p> <p>14 A. It is from Cuyahoga County.</p> <p>15 Q. For the year of 2018, do you know</p> <p>16 what the amount in the ADAMHS Board budget</p> <p>17 for the --</p> <p>18 A. I do not.</p> <p>19 Q. Do you know anyone at the Drug</p> <p>20 Court that would have that information, of</p> <p>21 the amount in the ADAMHS Board budget from</p> <p>22 Cuyahoga County?</p> <p>23 A. We could go directly to the ADAMHS</p> <p>24 Board.</p> <p>25 Q. When we first started speaking</p>
<p style="text-align: right;">Page 339</p> <p>1 Q. So the federal government awarded</p> <p>2 money to Cuyahoga County based on a</p> <p>3 significant need, and that money is held or</p> <p>4 administered by the ADAMHS Board.</p> <p>5 Is that fair?</p> <p>6 A. That is correct.</p> <p>7 Q. But, again, the money is not</p> <p>8 actually from Cuyahoga County. It is not</p> <p>9 from the Cuyahoga County budget?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: That is correct.</p> <p>12 BY MS. CHARLES:</p> <p>13 Q. The last thing you identified is</p> <p>14 the ADAMHS Board budget.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Is the ADAMHS Board budget</p> <p>17 comprised of the first two things you</p> <p>18 identified, the ATP funds and the SAMHSA</p> <p>19 grants, or are there other monies in the</p> <p>20 ADAMHS Board budget?</p> <p>21 A. There is other money in the ADAMHS</p> <p>22 Board budget.</p> <p>23 Q. What is the other money in the</p> <p>24 ADAMHS Board budget?</p> <p>25 A. I believe we referenced it in a</p>	<p style="text-align: right;">Page 341</p> <p>1 today, you testified there were three blocks</p> <p>2 of money. You said money that's used in</p> <p>3 staffing, money that's used for treatment,</p> <p>4 and money that's used for drug testing.</p> <p>5 Are those sorts of blocks of money</p> <p>6 encompassed in the funds we just talked</p> <p>7 about, the ATP funds, the SAMHSA funds, and</p> <p>8 the ADAMHS Board budget, or are there other</p> <p>9 funding sources?</p> <p>10 A. No. I believe the way that --</p> <p>11 what is the question?</p> <p>12 Q. So when I first asked you if there</p> <p>13 was a budget, you said there are monies that</p> <p>14 are used for staffing, monies that are used</p> <p>15 for treatment, and monies that are used for</p> <p>16 drug testing.</p> <p>17 Then we continued speaking and you</p> <p>18 identified three funds, the ATP, the SAMHSA,</p> <p>19 and the ADAMHS Board.</p> <p>20 I'm asking, are there also</p> <p>21 separate monies used for staffing treatment</p> <p>22 and drug testing or are you referring to the</p> <p>23 same buckets of money?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I'm not an expert on</p>

<p style="text-align: right;">Page 342</p> <p>1 all the financial sustainability of the</p> <p>2 project. The SAMHSA award money just</p> <p>3 covers a small portion of staff.</p> <p>4 Therefore, the courts, the county, pays</p> <p>5 for the additional staff member we have</p> <p>6 on Recovery Court. They pay for the</p> <p>7 staff we have on the morning docket. I</p> <p>8 do not know the specifics of where each</p> <p>9 dollar comes from.</p> <p>10 BY MS. CHARLES:</p> <p>11 Q. To the best of your knowledge, are</p> <p>12 there any other sources of funds beyond the</p> <p>13 three you have previously identified, ATP</p> <p>14 funds, SAMHSA funds, and the ADAMHS Board?</p> <p>15 A. I do not know.</p> <p>16 Q. So to the best of your knowledge,</p> <p>17 those are the three sources of funding?</p> <p>18 A. That is the three sources of</p> <p>19 funding that I most am involved in.</p> <p>20 Q. Okay.</p> <p>21 So are there any other sources of</p> <p>22 funding that you are less involved in but are</p> <p>23 aware of?</p> <p>24 A. Yes. Obviously, as I previously</p> <p>25 stated, the SAMHSA grant does not cover all</p>	<p style="text-align: right;">Page 344</p> <p>1 about it previously. It's the ADAMHS</p> <p>2 Board money that is allocated for Drug</p> <p>3 Court clients and Recovery Court</p> <p>4 clients.</p> <p>5 BY MS. CHARLES:</p> <p>6 Q. The ADAMHS Board money is</p> <p>7 allocated through ADAMHS, which is a separate</p> <p>8 board, correct?</p> <p>9 A. Yes. It's county -- county money.</p> <p>10 Q. Do you receive any money as a</p> <p>11 direct appropriation from the Cuyahoga County</p> <p>12 in their annual budget?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: I do not know.</p> <p>15 BY MS. CHARLES:</p> <p>16 Q. So to the best of your knowledge,</p> <p>17 the only county money that the Drug Court</p> <p>18 utilizes is money that is funneled through</p> <p>19 ADAMHS Board?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 BY MS. CHARLES:</p> <p>23 Q. Well, ma'am, I'm just asking you</p> <p>24 for your knowledge.</p> <p>25 So to the best of your knowledge,</p>
<p style="text-align: right;">Page 343</p> <p>1 of the staff, does not cover my position. It</p> <p>2 does not cover drug testing. It does not</p> <p>3 cover sober living.</p> <p>4 Q. So what does cover those costs</p> <p>5 that you just identified?</p> <p>6 A. It depends on which funding source</p> <p>7 we're talking about.</p> <p>8 Q. Respectfully, that's what I'm</p> <p>9 asking you. Which funding sources are</p> <p>10 available to cover those costs?</p> <p>11 A. The only funds that we have, for</p> <p>12 example, that can cover sober living, is ATP</p> <p>13 funds, but ATP funds are only for opioid-use</p> <p>14 disorders.</p> <p>15 So, for example, in County Drug</p> <p>16 Court, of the clients that we have that have</p> <p>17 a stimulant disorder, we cannot utilize ATP</p> <p>18 funds for, which means -- which is one of the</p> <p>19 many reasons why we have a lot of different</p> <p>20 funding sources.</p> <p>21 Q. Do you receive any funding</p> <p>22 directly from Cuyahoga County as part of the</p> <p>23 annual or biannual budget process?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: Yes. We talked</p>	<p style="text-align: right;">Page 345</p> <p>1 do you receive any other money from Cuyahoga</p> <p>2 County other than what is funneled through</p> <p>3 the ADAMHS Board?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 You're asking the same question three</p> <p>6 times.</p> <p>7 THE WITNESS: And I don't know.</p> <p>8 I'm not the financial expert. I</p> <p>9 apologize.</p> <p>10 BY MS. CHARLES:</p> <p>11 Q. Who is the financial expert?</p> <p>12 A. So you would have to speak with</p> <p>13 the court financial physical person. I said</p> <p>14 previously, I do not recall her name.</p> <p>15 Marty Murphy may also be another</p> <p>16 source.</p> <p>17 MS. CHARLES: Okay. I'll mark</p> <p>18 what has been identified as Leckler 21.</p> <p>19 (Plaintiffs' First Amended</p> <p>20 Responses and Objections to</p> <p>21 Distributor Defendants' Third Set</p> <p>22 of Interrogatories, marked as</p> <p>23 Deposition Exhibit 21.)</p> <p>24 THE WITNESS: Thank you.</p> <p>25</p>

<p style="text-align: right;">Page 346</p> <p>1 BY MS. CHARLES:</p> <p>2 Q. Ms. Leckler, what I have shown</p> <p>3 here as Exhibit 21 is Plaintiffs', The County</p> <p>4 of Cuyahoga, Ohio, and the State of Ohio, Ex</p> <p>5 Rel. Prosecuting Attorney of Cuyahoga County,</p> <p>6 First Amendment Responses and Objections to</p> <p>7 Distributor Defendants' Third Set of</p> <p>8 Interrogatories.</p> <p>9 Do you see that on the title page</p> <p>10 of this document?</p> <p>11 A. I'm sorry. You talk so fast.</p> <p>12 Plaintiffs of the Cuyahoga County -- yes, in</p> <p>13 bold there?</p> <p>14 Q. Yes.</p> <p>15 A. Yes.</p> <p>16 Q. Please take a moment to look</p> <p>17 through the document, if you like, but I will</p> <p>18 direct your attention to page 15.</p> <p>19 MR. BADALA: You know there's been</p> <p>20 an updated Interrogatory 18 response,</p> <p>21 right?</p> <p>22 MS. CHARLES: Yes, I do. Thank</p> <p>23 you.</p> <p>24 THE WITNESS: There's that word</p> <p>25 again.</p>	<p style="text-align: right;">Page 348</p> <p>1 e.g., increased cost of law</p> <p>2 enforcement, fire, emergency</p> <p>3 services, et cetera, for which you</p> <p>4 claim damages in the litigation and</p> <p>5 provide a computation of damages for</p> <p>6 each category of injury alleged."</p> <p>7 Did I read that correctly?</p> <p>8 MR. BADALA: And can I put a</p> <p>9 standing objection that this</p> <p>10 interrogatory has been updated, but for</p> <p>11 some reason we're going back to an older</p> <p>12 version.</p> <p>13 BY MS. CHARLES:</p> <p>14 Q. Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. Now if you'll flip to page 23,</p> <p>17 please.</p> <p>18 The fourth bullet point from the</p> <p>19 top -- from the bottom, do you see, "Cost</p> <p>20 associated with increased burden on</p> <p>21 Plaintiff's Drug Court"?</p> <p>22 A. That is correct.</p> <p>23 Q. Are you aware of an increased cost</p> <p>24 on Plaintiff's Drug Court due to the alleged</p> <p>25 opioid epidemic that is subject to this</p>
<p style="text-align: right;">Page 347</p> <p>1 BY MS. CHARLES:</p> <p>2 Q. Are you familiar with this</p> <p>3 document?</p> <p>4 A. I am not.</p> <p>5 Q. Did you provide any information in</p> <p>6 order to prepare this document?</p> <p>7 A. I do not know.</p> <p>8 Q. Are you aware or have you heard</p> <p>9 that anyone else at the Drug Court provided</p> <p>10 information used in the preparation of this</p> <p>11 document?</p> <p>12 A. No, I am not.</p> <p>13 Q. Okay. I'll direct your attention</p> <p>14 to page 23.</p> <p>15 And, actually, I apologize. I</p> <p>16 skipped ahead a little bit. Flip back to</p> <p>17 page 15 for me.</p> <p>18 A. Okay.</p> <p>19 Q. Interrogatory Number 18 -- and I</p> <p>20 will submit to you, "interrogatory" just</p> <p>21 means that it's a question one party in a</p> <p>22 litigation gets to ask the other party.</p> <p>23 A. Okay.</p> <p>24 Q. Interrogatory Number 18 says:</p> <p>25 "Specify each category of injury,</p>	<p style="text-align: right;">Page 349</p> <p>1 lawsuit?</p> <p>2 A. Yes, I am.</p> <p>3 Q. What increased cost?</p> <p>4 A. Like I said -- stated today, we</p> <p>5 started in May of 2009. We have expanded to</p> <p>6 add a whole 'nother judge, one additional --</p> <p>7 initially probation officer, one initially</p> <p>8 case manager.</p> <p>9 As a result of a site visit, as</p> <p>10 was previously stated -- I know we weren't</p> <p>11 questioned about it -- one of the</p> <p>12 recommendations were to add additional staff</p> <p>13 to help with the magnitude of services that</p> <p>14 needs to be delivered for those clients. We</p> <p>15 added an additional probation officer. We</p> <p>16 added an additional case manager.</p> <p>17 We still have a high need here in</p> <p>18 Cuyahoga County. So, therefore, we added --</p> <p>19 Judge Matia voluntarily added -- volunteered</p> <p>20 to take on another additional docket. That</p> <p>21 additional docket meant an additional</p> <p>22 probation officer, meant an additional case</p> <p>23 manager, an additional drug testing, and</p> <p>24 additional clients per year.</p> <p>25 And we are always looking to</p>

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1 expand. I have meetings with Corrections
 2 Planning Board about adding another judge so
 3 that we can -- the court can service more
 4 clients.
 5 Q. Of all the asserted costs you
 6 just --
 7 MR. BADALA: Were you done?
 8 THE WITNESS: I mean, I could go
 9 on and on. So I guess we -- how far do
 10 you want me to go?
 11 MR. BADALA: Well, the question is
 12 pretty open-ended, so as far as you want
 13 to go.
 14 THE WITNESS: Yeah. I can keep
 15 going.
 16 So the cost of staff is huge. We
 17 need additional staff to -- the process
 18 has lengthened in the sense that the
 19 majority of the clients that we have
 20 come, referral-wise, through the county
 21 jail.
 22 So, therefore, it takes a little
 23 bit more time to process an eligibility
 24 case. If somebody is in the county jail
 25 at times, then when they're out in the

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1 community, those individuals obviously
 2 have a lot of questions. So a lot of
 3 times the probation staff may go into
 4 the county jail numerous times on one
 5 case to explain the process, explain
 6 what's going to happen.
 7 We are in discussion of adding
 8 additional staff to help alleviate the
 9 --
 10 BY MS. CHARLES:
 11 Q. Ma'am, I'll stop you there.
 12 Because I think adding additional staff is
 13 not a cost that you've already incurred. Is
 14 that fair?
 15 A. Oh, okay.
 16 Q. The discussion about adding
 17 additional -- I had asked you what costs you
 18 believe you've incurred that are damages in
 19 this litigation.
 20 A. Okay.
 21 Q. It sounds like you're talking
 22 about --
 23 A. I'm sorry. I was trying to
 24 demonstrate the staff that we had already
 25 expanded.

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1 MR. BADALA: I'm going to object.
 2 That wasn't the question. You said what
 3 costs are associated. You didn't say
 4 what did you incur. That wasn't the
 5 question. So you just changed the
 6 question.
 7 MS. CHARLES: No, sir, I did not.
 8 The entire thing is about damages.
 9 MR. BADALA: Can we go back and
 10 read the question?
 11 MS. CHARLES: You know, why don't
 12 we just move on. We have limited time.
 13 I'll move on from this exhibit.
 14 MR. BADALA: You're cutting off
 15 her testimony. I'm not going to allow
 16 that to happen. Can we go back and read
 17 the question?
 18 MS. CHARLES: Sir, you're trying
 19 to waste the remainder of our time.
 20 It's not appropriate.
 21 MR. BADALA: I'm not wasting time.
 22 I've been cooperative with everyone with
 23 time today, so don't even accuse me of
 24 wasting time.
 25 We're going to go back and read

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1 the question. You just changed your
 2 question. So we're going to read it
 3 back. Maybe you're right. Let's see
 4 what you said.
 5 (The reporter read back where
 6 requested.)
 7 MR. BADALA: I don't see anything
 8 about incurred. You changed it to
 9 whatever you actually incurred.
 10 MS. CHARLES: Let's just move on.
 11 MR. BADALA: So are you done with
 12 your answer?
 13 THE WITNESS: I can be.
 14 MR. BADALA: Are you done? It
 15 doesn't matter what she's telling you.
 16 THE WITNESS: I could talk for
 17 half the evening about needs, so --
 18 MR. BADALA: Well, if you want to
 19 continue, you can continue with more.
 20 THE WITNESS: So back to the
 21 initial question, what costs have we
 22 incurred, we incurred the staff, as I
 23 have stated, which equaled additional
 24 clients, which equaled treatment funds,
 25 drug testing, things like that.

<p style="text-align: right;">Page 354</p> <p>1 BY MS. CHARLES:</p> <p>2 Q. Thank you.</p> <p>3 Can you quantify the costs that</p> <p>4 you just identified, the staff, the drug</p> <p>5 testing, and the additional patients? Can</p> <p>6 you quantify a dollar amount of those costs?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I could not. But</p> <p>9 someone that's better with numbers,</p> <p>10 figures, could.</p> <p>11 BY MS. CHARLES:</p> <p>12 Q. Could you tell me what percent of</p> <p>13 those costs were funded by Cuyahoga County as</p> <p>14 opposed to a state or federal grant?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: I could not.</p> <p>17 MS. CHARLES: I'm going to mark</p> <p>18 what has been identified as Leckler 22.</p> <p>19 (Supplemental Responses and</p> <p>20 Objections to Distributor</p> <p>21 Defendants' Interrogatory No. 18</p> <p>22 Pursuant to Special Master Cohen's</p> <p>23 October 23, 2018, Order, marked as</p> <p>24 Deposition Exhibit 22.)</p> <p>25</p>	<p style="text-align: right;">Page 356</p> <p>1 And then it goes on to name</p> <p>2 several others.</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. If you could please turn to</p> <p>6 page 9.</p> <p>7 Do you see your name at the bottom</p> <p>8 of the page?</p> <p>9 A. I do.</p> <p>10 Q. And you see that "Plaintiffs</p> <p>11 identify the following persons with knowledge</p> <p>12 of such damages," and then the list includes</p> <p>13 your name?</p> <p>14 A. Yes.</p> <p>15 Q. Do you have any knowledge of the</p> <p>16 quantifiable amount of damages due to past</p> <p>17 department costs incurred by the Court of</p> <p>18 Common Pleas?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: I do not.</p> <p>21 BY MS. CHARLES:</p> <p>22 Q. Sure. If you could kindly look at</p> <p>23 this list of names. And it continues on to</p> <p>24 page 10.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 355</p> <p>1 BY MS. CHARLES:</p> <p>2 Q. And as your counsel previously</p> <p>3 stated, this is an updated version of the</p> <p>4 interrogatories you just reviewed.</p> <p>5 A. Okay.</p> <p>6 Q. And I will direct your attention</p> <p>7 to page 7 -- or page 6. I'm sorry.</p> <p>8 At the top of page 6, there's an</p> <p>9 interrogatory titled "Number 18" that asks</p> <p>10 plaintiffs to specify each category of injury</p> <p>11 for which you claim damages in the litigation</p> <p>12 and provide a computation of damages for each</p> <p>13 category of injury alleged.</p> <p>14 Do you see that?</p> <p>15 A. I do.</p> <p>16 Q. And if you turn to page 7, there's</p> <p>17 a bullet point at the bottom of the page that</p> <p>18 says:</p> <p>19 "Past damages related to</p> <p>20 department costs, including the</p> <p>21 Alcohol, Drug Addiction, and Mental</p> <p>22 Health Services Board of Cuyahoga</p> <p>23 County, Children and Family</p> <p>24 Services, Prosecutor, Public</p> <p>25 Defender, Court of Common Pleas" --</p>	<p style="text-align: right;">Page 357</p> <p>1 Q. You previously testified that</p> <p>2 there was a financial expert who dealt with</p> <p>3 most of the financial administration at the</p> <p>4 Court of Common Pleas; is that correct?</p> <p>5 A. I believe we talked specifically</p> <p>6 about Marty Murphy with specific funds, not</p> <p>7 for the whole Court of Common Pleas, but --</p> <p>8 Q. And I believe you identified</p> <p>9 another individual who you believed had</p> <p>10 financial knowledge, but you did not recall</p> <p>11 her name; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Do you see her name on this list</p> <p>14 of individuals?</p> <p>15 A. I don't know. I don't recall her</p> <p>16 name.</p> <p>17 Q. So none of these names trigger a</p> <p>18 recollection that that is the position she</p> <p>19 holds?</p> <p>20 A. I just know her face.</p> <p>21 MR. BADALA: Do you have another</p> <p>22 exhibit tab? I actually wrote on the</p> <p>23 one, thinking it was my copy.</p> <p>24 (Discussion held.)</p> <p>25</p>

<p style="text-align: right;">Page 358</p> <p>1 BY MS. CHARLES:</p> <p>2 Q. You've previously testified today</p> <p>3 that you administer two specialty dockets at</p> <p>4 the Court of Common Pleas; is that correct?</p> <p>5 A. Two specialized dockets, yes.</p> <p>6 Q. Are there any other specialized</p> <p>7 dockets at the Court of Common Pleas?</p> <p>8 A. Yes.</p> <p>9 Q. Are there nonspecialized or</p> <p>10 general dockets at the Court of Common Pleas?</p> <p>11 A. Yes.</p> <p>12 Q. Do you have a sense as to the</p> <p>13 overall percentage of cases in the Court of</p> <p>14 Common Pleas that are in your two specialized</p> <p>15 dockets?</p> <p>16 A. I'm sorry. Say that again?</p> <p>17 Q. Do your two specialized dockets</p> <p>18 make up a majority of cases in the Court of</p> <p>19 Common Pleas?</p> <p>20 A. No.</p> <p>21 Q. Do they make up less than</p> <p>22 40 percent of cases in the Court of Common</p> <p>23 Pleas?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I do not know the</p>	<p style="text-align: right;">Page 360</p> <p>1 Q. Are you aware of the Court of</p> <p>2 Common Pleas receiving money from Cuyahoga</p> <p>3 County as part of the annual budget process?</p> <p>4 A. I am not.</p> <p>5 Q. Going back to the Drug Court, you</p> <p>6 previously testified as to Smart Ohio funds;</p> <p>7 is that correct?</p> <p>8 A. That is correct.</p> <p>9 Q. And Smart Ohio funds are funds</p> <p>10 provided by the State of Ohio?</p> <p>11 A. I believe it is the state. I'm</p> <p>12 trying to recall if it was necessarily state</p> <p>13 funds.</p> <p>14 Q. Does the Court of Common -- or</p> <p>15 does the Drug Court receive any grants from</p> <p>16 the Ohio Supreme Court?</p> <p>17 A. No.</p> <p>18 Q. I'd like to speak a little bit</p> <p>19 more about SAMHSA funding.</p> <p>20 When the court opened in 2009, did</p> <p>21 you receive a SAMHSA grant?</p> <p>22 A. I do not recall the exact year</p> <p>23 that the Court of Common Pleas received a</p> <p>24 SAMHSA grant. I worked in the Drug Court</p> <p>25 program from the beginning. However, I</p>
<p style="text-align: right;">Page 359</p> <p>1 exact figure.</p> <p>2 BY MS. CHARLES:</p> <p>3 Q. If you had to estimate, would you</p> <p>4 say less than 30 percent?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I don't know.</p> <p>7 BY MS. CHARLES:</p> <p>8 Q. You have no estimate of the</p> <p>9 overall percentage of the Court of Common</p> <p>10 Pleas' docket that is made up of your</p> <p>11 specialized court dockets?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I do not.</p> <p>14 BY MS. CHARLES:</p> <p>15 Q. Have you ever reviewed a budget</p> <p>16 for the Court of Common Pleas as a whole?</p> <p>17 A. No.</p> <p>18 Q. Do you have any input into</p> <p>19 drafting a budget request to Cuyahoga County</p> <p>20 for the Court of Common Pleas?</p> <p>21 A. No.</p> <p>22 Q. Have you ever reviewed</p> <p>23 appropriation from the Cuyahoga County budget</p> <p>24 for the Court of Common Pleas?</p> <p>25 A. Appropriation?</p>	<p style="text-align: right;">Page 361</p> <p>1 became the coordinator later on in that year.</p> <p>2 Q. Do you have any understanding of</p> <p>3 how the Drug Court was funded in 2009?</p> <p>4 A. I do not.</p> <p>5 Q. Did the Drug Court have a SAMHSA</p> <p>6 grant in 2010?</p> <p>7 A. The Drug Court program had a</p> <p>8 SAMHSA grant in the earlier parts; I just do</p> <p>9 not recall the exact date that the allocation</p> <p>10 of the grant was awarded.</p> <p>11 Q. When you say "the earlier parts,"</p> <p>12 are you referring to the first few years of</p> <p>13 the Drug Court operation?</p> <p>14 A. I'm referring to the first three</p> <p>15 to five years, yes.</p> <p>16 Q. Did the Drug Court receive ATP</p> <p>17 funding during the first three to five years</p> <p>18 of its operation?</p> <p>19 A. No.</p> <p>20 Q. Did the Drug Court receive Smart</p> <p>21 Ohio funding during the first three to five</p> <p>22 years of its operation?</p> <p>23 A. No.</p> <p>24 Q. Moving on to 2012, was there a</p> <p>25 SAMHSA grant in place to fund the Drug</p>

<p style="text-align: right;">Page 362</p> <p>1 Court's activities?</p> <p>2 A. I do not remember.</p> <p>3 Q. The year of 2013, do you recall if</p> <p>4 there was a SAMHSA grant in place?</p> <p>5 A. I do not remember.</p> <p>6 Q. If I wanted to identify a way to</p> <p>7 see exactly what funding was in place each</p> <p>8 year, is there a document or is there a place</p> <p>9 I could go to see the historical funding for</p> <p>10 the Court of Common Pleas?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: Yes. And you could</p> <p>13 also look at the SAMHSA website under</p> <p>14 grants.gov. It is a public record that</p> <p>15 you can go on there and see, across the</p> <p>16 whole country, specific courts that are</p> <p>17 awarded funds. You can also see the</p> <p>18 specific grants that are allocated to</p> <p>19 specific courts.</p> <p>20 BY MS. CHARLES:</p> <p>21 Q. When you say "specific grants</p> <p>22 allocated to specific courts," for SAMHSA</p> <p>23 funding that is shared with the Cleveland</p> <p>24 Municipal Court, is there a particular</p> <p>25 division that SAMHSA requires or is it</p>	<p style="text-align: right;">Page 364</p> <p>1 that means.</p> <p>2 You could look for however many</p> <p>3 years you want to go back, and you could</p> <p>4 scroll through and see if you see Cleveland</p> <p>5 Drug Court on that website. You could also</p> <p>6 scroll through and see if you see Cuyahoga</p> <p>7 County Court of Common Pleas on that, and you</p> <p>8 could add up the figures.</p> <p>9 Q. Is there a document that's</p> <p>10 maintained by the Drug Court that would show</p> <p>11 all of its historic funding?</p> <p>12 A. Yes. We have -- the court has</p> <p>13 annual reports, and those are all archived on</p> <p>14 the Cuyahoga County Common Pleas website.</p> <p>15 Q. Other than annual reports, is</p> <p>16 there any budget document that would show --</p> <p>17 that is maintained by the Drug Court to show</p> <p>18 its historical funding?</p> <p>19 A. I believe so. We always are proud</p> <p>20 of the grants that we are able to obtain. So</p> <p>21 it is always usually described in all of the</p> <p>22 annual reports.</p> <p>23 Q. Other than the annual reports, is</p> <p>24 there any budget document or source of</p> <p>25 historical funding information for the Drug</p>
<p style="text-align: right;">Page 363</p> <p>1 divided between the two courts as you see</p> <p>2 fit?</p> <p>3 A. No. What I meant was specific</p> <p>4 courts in reference to, if there's family</p> <p>5 courts, there's adult drug courts, there's</p> <p>6 juvenile courts. So that's what I meant when</p> <p>7 I said "specific courts," meaning you can go</p> <p>8 onto SAMHSA's website and see how much money</p> <p>9 that SAMHSA has allocated out to specific</p> <p>10 courts, not just our court.</p> <p>11 Q. But would the SAMHSA website be</p> <p>12 able to tell me exactly how much the</p> <p>13 Cuyahoga -- the Drug Court, your Drug Court</p> <p>14 received, as compared to the Cleveland</p> <p>15 Municipal Court if it was a shared SAMHSA</p> <p>16 grant?</p> <p>17 A. I guess you could calculate it up</p> <p>18 and figure that out.</p> <p>19 Q. How would I calculate that up</p> <p>20 based on the SAMHSA website information? Do</p> <p>21 you know?</p> <p>22 A. You could go on the SAMHSA</p> <p>23 website, look at previous grants awarded, and</p> <p>24 you would have to look specifically to grants</p> <p>25 called CSAP grants. I do not remember what</p>	<p style="text-align: right;">Page 365</p> <p>1 Court?</p> <p>2 A. Yes, there is. The Corrections</p> <p>3 Planning Board that documents the balance of</p> <p>4 funds, and that is Marty Murphy, TASC.</p> <p>5 MS. CHARLES: I'm going to mark</p> <p>6 what is now Leckler 23.</p> <p>7 (Email chain, RE: FY2014 - August</p> <p>8 2014 Treatment Expenditure Summary</p> <p>9 Report, Bates CUYAH_003352707</p> <p>10 through CUYAH_003352711, marked as</p> <p>11 Deposition Exhibit 23.)</p> <p>12 BY MS. CHARLES:</p> <p>13 Q. I've just handed you what's been</p> <p>14 marked as Exhibit 23. It bears the Bates</p> <p>15 stamp CUYAH_00335270 [sic]. And the top</p> <p>16 document is from Judge Matia, dated</p> <p>17 October 22nd, 2014.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. I'll give you a moment to look</p> <p>21 through this document. And when you've had</p> <p>22 time to look through, can you tell me if you</p> <p>23 recognize this email chain.</p> <p>24 A. (Reviewing document.)</p> <p>25 2014 -- it's an August 2014</p>

<p style="text-align: right;">Page 366</p> <p>1 treatment expenditure summary report. 2 (Inaudibly reviewing document.) 3 Q. Do you recognize this email 4 exchange? 5 A. I do, because Judge Matia was big 6 on changing the name of Drug Court and he was 7 very jealous that Judge Synenberg got 8 Recovery Court's name. 9 Q. If you can turn to the page that 10 ends in 2710. Do you see a document or an 11 email from you dated October 17th, 2014? 12 A. Yes. 13 Q. And you write: 14 "Drug Court will end this year 15 with a balance of unused funds." 16 Do you see that? 17 A. I do. 18 Q. You say: 19 "Please note the huge drop in IOP 20 with residential support on Cleveland 21 Municipal side from the month of 22 March/April 2014 to May of 2014. 23 This was a \$7,000 drop. I am 24 concerned as to why this happened." 25 Do you see that?</p>	<p style="text-align: right;">Page 368</p> <p>1 ADAMHS Board money, the county money that's 2 allocated for Drug Court. 3 Like I stated previously, that's 4 why it's very difficult to allocate per year 5 the balance of funding and to make a 6 necessary budget for me personally, because 7 we are -- that money, that ADAMHS Board 8 money, like I stated previously, is shared by 9 Cleveland Municipal as well. 10 So not a specific X amount of 11 money is allocated for county, not a specific 12 X amount is allocated for Cleveland, because 13 Cleveland is under the umbrella of the county 14 as well. 15 This is my concern, because I 16 always have a very difficult time to -- 17 figuring out how much money we have, because 18 that equals how many clients we can take in. 19 This is also in regards to 20 possibly a question in regards to did 21 Cleveland Municipal obtain some other federal 22 funding that they're utilizing right now and 23 they're not using the county ADAMHS Board, 24 which is why we saw a significant drop in 25 money.</p>
<p style="text-align: right;">Page 367</p> <p>1 A. I do. 2 Q. Then you write: 3 "I would hate to lose money for 4 next year and our court be penalized 5 for aggressively applying and 6 securing federal funds." 7 A. That's correct. 8 Q. By this email did you mean that 9 state funds were going unused because of the 10 amount of federal funding that the drug 11 courts had received? 12 MR. BADALA: Objection to form. 13 THE WITNESS: No. 14 BY MS. CHARLES: 15 Q. Why were you concerned about 16 losing money for the next year due to 17 aggressively applying and securing federal 18 funds? 19 A. So what I was referring to is, 20 like I stated previous, we have a great team 21 of individuals that can take a look at a need 22 in our current court system and apply for 23 federal funds. 24 This is my question to some staff 25 to address that there was a balance at the</p>	<p style="text-align: right;">Page 369</p> <p>1 Q. You stated: 2 "I would hate to lose money for 3 next year." 4 A. Yes. 5 Q. What money were you afraid of 6 losing? 7 A. The county money. 8 Q. You were concerned that you would 9 lose the county money unless it was spent; is 10 that correct? 11 A. That is correct. 12 Q. And that is because if the county 13 money went unspent, the county would realize 14 it over-budgeted the drug courts; is that 15 correct? 16 MR. BADALA: Objection to form. 17 THE WITNESS: No, not that it had 18 over-budgeted, but that we had 19 aggressively looked for alternative 20 funding to treat participants. 21 BY MS. CHARLES: 22 Q. So based on your aggressive 23 looking -- looks for alternative funding, you 24 were able to fund many of the Drug Court's 25 operations through non-county money?</p>

<p style="text-align: right;">Page 370</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: Because it's all</p> <p>3 county money. So whether it comes from</p> <p>4 federal funding outside or it comes from</p> <p>5 the county money -- what's your</p> <p>6 question? I'm sorry.</p> <p>7 BY MS. CHARLES:</p> <p>8 Q. You were afraid of losing ADAMHS</p> <p>9 fund money because you had been able to</p> <p>10 aggressively secure SAMHSA or ATP or other</p> <p>11 federal and state funds that covered most of</p> <p>12 the cost, leaving you with a balance,</p> <p>13 correct?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: That is correct.</p> <p>16 BY MS. CHARLES:</p> <p>17 Q. If you turn to the next page back,</p> <p>18 it ends in 2709. You write in response to an</p> <p>19 email from Maria Nemec, who, if you'll turn</p> <p>20 back to the next page, says:</p> <p>21 "Can we do a budget adjustment</p> <p>22 and put it towards training?"</p> <p>23 You write:</p> <p>24 "That could use up some money,</p> <p>25 but we will actually have a huge</p>	<p style="text-align: right;">Page 372</p> <p>1 understand the entire --</p> <p>2 Q. Do you recall in 2014 that there</p> <p>3 was a surplus of funding for the Drug Court?</p> <p>4 A. I know that we aggressively</p> <p>5 obtained federal fundings both from Cleveland</p> <p>6 and county, which is why we had a leftover</p> <p>7 budget.</p> <p>8 Q. Okay.</p> <p>9 A. And also, there was discussion</p> <p>10 that our ADAMHS Board funding was going to be</p> <p>11 decreased as well, so --</p> <p>12 Q. Do you have an understanding of</p> <p>13 what the surplus budget was at the end of</p> <p>14 fiscal year 2014?</p> <p>15 A. I do not remember.</p> <p>16 (Email with attachment, FY2014 -</p> <p>17 October 2014 MAT and COMBINED</p> <p>18 Treatment Expenditure Report,</p> <p>19 Bates CUYAH_002045070 through</p> <p>20 CUYAH_002045080, marked as</p> <p>21 Deposition Exhibit 24.)</p> <p>22 BY MS. CHARLES:</p> <p>23 Q. Ms. Leckler, I have just handed</p> <p>24 you what is marked as Exhibit 24. It is</p> <p>25 Bates stamped CUYAH_002045070.</p>
<p style="text-align: right;">Page 371</p> <p>1 balance."</p> <p>2 Is that correct?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: I'm sorry. I have</p> <p>5 to -- I have to read the previous one.</p> <p>6 I'm sorry.</p> <p>7 BY MS. CHARLES:</p> <p>8 Q. That's okay.</p> <p>9 A. (Inaudibly reviewing document.)</p> <p>10 "The ADAMHS Board funds will</p> <p>11 additionally pick up the clients</p> <p>12 previously funded by MAT for</p> <p>13 residential IOP, non-IOP" -- which</p> <p>14 means non-intensive -- "of</p> <p>15 approximately 26,000 per month based</p> <p>16 on this year's average cost."</p> <p>17 Q. Ma'am, the question I had asked</p> <p>18 was do you see that on October 17, 2014, at</p> <p>19 1:32 p.m., you write, "That could use up some</p> <p>20 money, but we will actually have a huge</p> <p>21 balance"?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 BY MS. CHARLES:</p> <p>24 Q. Do you see that on the document?</p> <p>25 A. I do. But I'm just trying to</p>	<p style="text-align: right;">Page 373</p> <p>1 It is a -- the top email is from a</p> <p>2 Doreen Mittinger, and it was sent on</p> <p>3 December 17th, 2014.</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. And Ms. Mittinger writes:</p> <p>7 "Attached is the October 2014 MAT</p> <p>8 and Combined Treatment Expenditure</p> <p>9 Report."</p> <p>10 The next page starts the</p> <p>11 attachment.</p> <p>12 Do you recognize this attachment?</p> <p>13 A. Yes.</p> <p>14 Q. I'll direct your attention to the</p> <p>15 page that ends in 5078.</p> <p>16 Do you see that page?</p> <p>17 A. Sorry.</p> <p>18 Q. It ends in Bates stamp 5078. It</p> <p>19 is titled "Combined Treatment Summary FY2014</p> <p>20 October."</p> <p>21 A. Yes.</p> <p>22 Q. I'll direct your attention to the</p> <p>23 bottom of the page. There is a table that</p> <p>24 I'm going to read from left to right:</p> <p>25 "Funding stream. Beginning</p>

<p style="text-align: right;">Page 374</p> <p>1 balance for FY2014. Remaining</p> <p>2 balance as of 10/31/2014."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 And under "Remaining balance for</p> <p>7 10/31/2014," do you see a remaining balance</p> <p>8 of \$215,602.83?</p> <p>9 A. Remaining balance, yes.</p> <p>10 And then I see -- combined</p> <p>11 funding, Medicaid adjustment, remaining</p> <p>12 balance. I see it. I just don't fully</p> <p>13 understand it.</p> <p>14 Q. Okay.</p> <p>15 You testified earlier that certain</p> <p>16 expenses may be incurred, and then Medicaid</p> <p>17 reimburses those expenses, correct?</p> <p>18 A. That's correct.</p> <p>19 Q. So this document has a remaining</p> <p>20 balance of \$175,671.02, and then it shows a</p> <p>21 Medicaid adjustment of \$39,931.81. And then</p> <p>22 the last line has a total of \$215,602.83.</p> <p>23 Is it fair to assume that the</p> <p>24 Medicaid adjustment is a reimbursement from</p> <p>25 Medicaid --</p>	<p style="text-align: right;">Page 376</p> <p>1 left, the words "Remaining balance"?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: Yes. And I see to</p> <p>4 the right, "No current treatment</p> <p>5 funding."</p> <p>6 BY MS. CHARLES:</p> <p>7 Q. Ma'am, you testified earlier that</p> <p>8 for a certain amount of time, the</p> <p>9 municipal -- the Cleveland Municipal Court</p> <p>10 did something called a suburb expansion.</p> <p>11 Do you recall that testimony?</p> <p>12 A. Yes.</p> <p>13 Q. By "suburb expansion," did you</p> <p>14 mean that they were providing services to</p> <p>15 individuals outside the City of Cleveland?</p> <p>16 A. Yes. I believe I referred the</p> <p>17 term as "suburban expansion."</p> <p>18 Q. Thank you.</p> <p>19 By "suburban expansion," did they</p> <p>20 service individuals outside of Cuyahoga</p> <p>21 County?</p> <p>22 A. I do not work in the courts, so I</p> <p>23 cannot say "yes" or "no."</p> <p>24 Q. Does the Cuyahoga County Drug</p> <p>25 Court service any individuals that reside</p>
<p style="text-align: right;">Page 375</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 BY MS. CHARLES:</p> <p>3 Q. -- that increased your total</p> <p>4 remaining balance?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I did not create the</p> <p>7 document, so --</p> <p>8 BY MS. CHARLES:</p> <p>9 Q. Sure.</p> <p>10 A. -- for specific questions, you</p> <p>11 would have to ask Doreen Mittinger.</p> <p>12 Q. Can you agree with me that under</p> <p>13 "Remaining balance," the total is \$215,602,</p> <p>14 with two months left in fiscal year 2014?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: I cannot. I didn't</p> <p>17 create the document.</p> <p>18 BY MS. CHARLES:</p> <p>19 Q. You cannot agree with me that</p> <p>20 that's the number on the page here?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I see a number,</p> <p>23 \$215,602.83.</p> <p>24 BY MS. CHARLES:</p> <p>25 Q. And do you see, two rows to the</p>	<p style="text-align: right;">Page 377</p> <p>1 outside of Cuyahoga County?</p> <p>2 A. Yes, we do.</p> <p>3 Q. How many individuals currently</p> <p>4 enrolled in the Drug Court reside outside of</p> <p>5 Cuyahoga County?</p> <p>6 A. I do not know the exact figure.</p> <p>7 Q. Have you ever conducted any</p> <p>8 assessment of the money spent by the Cuyahoga</p> <p>9 County Drug Court to provide services to</p> <p>10 non-Cuyahoga County residents?</p> <p>11 MR. BADALA: Objection, form.</p> <p>12 THE WITNESS: I have not.</p> <p>13 BY MS. CHARLES:</p> <p>14 Q. When individuals are enrolled in</p> <p>15 the court who do not reside in Cuyahoga</p> <p>16 County, is there any notation in their</p> <p>17 records that the amount spent on them needs</p> <p>18 to be somehow recorded as a -- are they --</p> <p>19 sorry. Strike that.</p> <p>20 When individuals who reside</p> <p>21 outside of Cuyahoga County are enrolled in</p> <p>22 the Drug Court, is there any notation in</p> <p>23 their records that they reside outside of</p> <p>24 Cuyahoga County?</p> <p>25 A. We note their address.</p>

<p style="text-align: right;">Page 378</p> <p>1 Q. When they are provided services, 2 is there any notation in the summary of costs 3 provided or services provided that it is for 4 a non-county -- or a resident outside of 5 Cuyahoga County? 6 MR. BADALA: Objection to form. 7 THE WITNESS: I do not know 8 because I do not submit invoice 9 requests. 10 BY MS. CHARLES: 11 Q. Is there a document maintained by 12 the Cuyahoga County Drug Court that shows all 13 expenses incurred in the fiscal year? 14 MR. BADALA: Objection to form. 15 THE WITNESS: I don't know. 16 BY MS. CHARLES: 17 Q. When costs are incurred by the 18 Cuyahoga County Drug Court, are they 19 recorded -- are they linked to a specific 20 patient? 21 MR. BADALA: Objection to form. 22 THE WITNESS: I don't know. 23 BY MS. CHARLES: 24 Q. Have you ever reviewed an invoice 25 that is submitted to the ADAMHS Board for</p>	<p style="text-align: right;">Page 380</p> <p>1 enjoyed the class, it was not my expertise. 2 Q. Right. When you say you're sure 3 someone could, what is your basis of 4 knowledge to testify? 5 A. Okay. So someone could -- any 6 person that has any interaction with the 7 local ADAMHS Board, meaning the county paying 8 for any services, it's in reference to a 9 number. 10 That number could be followed. 11 You could pull how much money was spent on 12 that individual over, I'm assuming, X number 13 of years. I don't know how far their records 14 go. 15 So that would indicate how many 16 times they went into treatment and were 17 serviced only by an ADAMHS Board funding 18 place. It would be, like I stated before, 19 not all treatment agencies are funded by the 20 ADAMHS Board. 21 There's a lot of -- a number of 22 peer-recovery houses that individuals 23 utilize. I stated previously, the examples 24 of those are Ed Keating Center, the Lantern, 25 the Absolute House, Jean Marie. Those are</p>
<p style="text-align: right;">Page 379</p> <p>1 services -- services provided by the Cuyahoga 2 County Drug Court? 3 A. Yes. 4 Q. Did that invoice provide specific 5 patient names or other identifying 6 information for which patients had received 7 that care? 8 A. Yes. 9 Q. Did the invoice provide any 10 indication as to what substance abuse 11 disorder those individuals were suffering 12 from? 13 A. I do not know. 14 Q. Are you aware of any way to look 15 at the total expenses incurred for the 16 Cuyahoga County Drug Court and identify how 17 much of it was spent only for opioid-related 18 substance abuse disorder? 19 A. I could not calculate it, but I'm 20 sure someone could. 21 Q. What makes you sure someone could? 22 A. I am not a statistician. 23 Q. Sure. Well, when you testified -- 24 A. I had just gotten the bachelor's 25 degree with math, so it was not -- although I</p>	<p style="text-align: right;">Page 381</p> <p>1 non-profits. Those facilities raise their 2 own funds and help those individuals get into 3 treatment. 4 So there is a way you could 5 calculate that. I just personally could not 6 do that. 7 There's also the drug testing that 8 can be placed a price as -- on. On average, 9 clients are testing numerous times per week. 10 The staff used to supervise those clients. 11 I -- 12 Q. So, ma'am, I understand you've 13 just spoken about some funds extended by some 14 private caregivers and also some funds that 15 ADAMHS Board reviews and allocates. 16 For Cuyahoga County Drug Court, 17 are you aware of any document that would 18 allow you to track the number -- the total 19 expenses incurred for services to clients 20 with opioid substance abuse disorder? 21 MR. BADALA: Objection to form. 22 THE WITNESS: Am I aware of any 23 document. It would have to be 24 documents. 25</p>

<p style="text-align: right;">Page 382</p> <p>1 BY MS. CHARLES:</p> <p>2 Q. Okay.</p> <p>3 A. I could not do that.</p> <p>4 Q. When you say "documents," what</p> <p>5 documents?</p> <p>6 A. Like I stated before --</p> <p>7 Q. And I don't want to cut you off,</p> <p>8 but just staying right with the Drug Court.</p> <p>9 So I think before we talked about ADAMHS</p> <p>10 Board and other individuals, but within the</p> <p>11 Drug Court.</p> <p>12 A. Yes.</p> <p>13 So, for example, an individual</p> <p>14 could go to Care Alliance for mental health</p> <p>15 counseling. That is a county public health</p> <p>16 agency, so you would have to obtain the --</p> <p>17 what that agency spent on services delivered</p> <p>18 to that individual.</p> <p>19 Q. Individuals who go to Care</p> <p>20 Alliance are not only being treated for</p> <p>21 opioid substance abuse disorder, right? It's</p> <p>22 anyone who needs a mental health assessment?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: You said Drug Court.</p> <p>25 So we do have Drug Court clients that go</p>	<p style="text-align: right;">Page 384</p> <p>1 A. I do not.</p> <p>2 Q. Do you ever -- in any of your</p> <p>3 trainings that you've attended, have you ever</p> <p>4 received information about whether Drug Court</p> <p>5 is more or less expensive than incarceration?</p> <p>6 A. I do not remember.</p> <p>7 MR. BADALA: Counsel, I think your</p> <p>8 seven hours is up. We're past your</p> <p>9 time. So we're going to take a</p> <p>10 five-minute break, because I may have</p> <p>11 some questions.</p> <p>12 THE VIDEOGRAPHER: We're off the</p> <p>13 record, 7:07.</p> <p>14 (Recess taken.)</p> <p>15 THE VIDEOGRAPHER: We're back on</p> <p>16 the record. 7:18.</p> <p>17 ---</p> <p>18 EXAMINATION</p> <p>19 BY MR. BADALA:</p> <p>20 Q. Okay, Ms. Leckler. I know you've</p> <p>21 been here for over nine hours, but I just</p> <p>22 wanted to follow up on some questions you</p> <p>23 were asked earlier today.</p> <p>24 Could you go to Exhibit 13.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 383</p> <p>1 to Care Alliance. So that's what I was</p> <p>2 referring to.</p> <p>3 BY MS. CHARLES:</p> <p>4 Q. Does the Drug Court track its</p> <p>5 expenses divided by the certain type of</p> <p>6 substance abuse disorder?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I don't know. No.</p> <p>9 BY MS. CHARLES:</p> <p>10 Q. You're not aware of any way for</p> <p>11 the Drug Court to say, for instance,</p> <p>12 10 percent of our budget was spent on people</p> <p>13 with heroin addiction?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: I personally cannot.</p> <p>16 BY MS. CHARLES:</p> <p>17 Q. Based on your experience in Drug</p> <p>18 Court, do you have an idea of the annual</p> <p>19 cost, the average cost to treat a client in</p> <p>20 Drug Court for a year?</p> <p>21 A. I do not.</p> <p>22 Q. Do you have any understanding of</p> <p>23 whether a year of treatment in Drug Court is</p> <p>24 more or less expensive than a year of</p> <p>25 incarceration?</p>	<p style="text-align: right;">Page 385</p> <p>1 Q. Just pull that out of the pile?</p> <p>2 Just let me know when you have it.</p> <p>3 A. Yes. I have it.</p> <p>4 Q. And that's the beginning Bates</p> <p>5 Number 2048206?</p> <p>6 A. Yes.</p> <p>7 Q. Can you flip to the last page of</p> <p>8 that document, which ends in -- let me get</p> <p>9 this right -- 2048210?</p> <p>10 A. Okay.</p> <p>11 Q. Now, I know Ms. Rendon and</p> <p>12 Mr. Ruiz asked you several questions about</p> <p>13 this document. I'm just going to read you</p> <p>14 something that neither one read earlier</p> <p>15 today.</p> <p>16 Do you see the "Conclusion"</p> <p>17 section?</p> <p>18 A. I do.</p> <p>19 Q. Can you read that first sentence</p> <p>20 into the record.</p> <p>21 A. "Our data document that as the</p> <p>22 most commonly prescribed opioids, hydrocodone</p> <p>23 and oxycodone became less accessible due to</p> <p>24 supply-side interventions."</p> <p>25 Go on?</p>

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1 Q. Yes.

2 A. "The use of heroin as an

3 initiating opioid has grown at an alarming

4 rate."

5 Q. That's all.

6 A. Okay.

7 Q. Just put that to the side for a

8 moment.

9 Let me ask you this question: Do

10 you believe there currently is an opioid

11 epidemic in Cuyahoga County?

12 MS. CHARLES: Objection, form.

13 MS. RENDON: Objection.

14 MR. BADALA: What's the basis for

15 the objection? And how many people are

16 objecting? Are you the first? What's

17 the basis for your objection?

18 MS. CHARLES: I think she was

19 first, but --

20 MR. BADALA: What's the basis for

21 your objection?

22 MS. CHARLES: Vague and ambiguous.

23 MR. BADALA: What's vague?

24 MS. CHARLES: Opioid epidemic,

25 current belief. She can answer.

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1 MR. BADALA: Those are the words

2 used by your counsel today, so move to

3 strike the objection.

4 MS. CHARLES: Okay. I'm just

5 making the objection for the record.

6 BY MR. BADALA:

7 Q. Okay. I'm going to reask you

8 again.

9 Do you believe there currently is

10 an opioid epidemic in Cuyahoga County?

11 MS. CHARLES: Objection, form.

12 MR. BADALA: Move to strike the

13 objection.

14 THE WITNESS: Can I answer?

15 MR. BADALA: Yes.

16 THE WITNESS: Yes.

17 BY MR. BADALA:

18 Q. When did you first come to know

19 that there is an opioid epidemic in Cuyahoga

20 County?

21 MS. RENDON: Objection, form.

22 MR. BADALA: What's your basis?

23 MS. RENDON: I would like the

24 witness to define what "opioid epidemic"

25 is.

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1 MR. BADALA: Is that not a term?

2 MS. RENDON: I'll ask her that on

3 cross-examination. I'm making an

4 objection for the record, Sal, just like

5 you did all day long.

6 Objection to the form of the

7 question. Vague. Lacking foundation.

8 MR. BADALA: Move to strike the

9 objection.

10 MS. RENDON: You cannot move to

11 strike the objection. The objection is

12 for the record, Sal. That's how it

13 works.

14 MR. BADALA: Yes, you can, if you

15 cannot provide a basis.

16 MS. RENDON: I did. Let me make

17 it clear, because apparently you didn't

18 hear. The basis is vague and lack of

19 foundation.

20 MR. BADALA: What's vague?

21 MS. RENDON: The terminology

22 "opioid epidemic," undefined, is vague

23 and lacking in foundation.

24 MR. BADALA: Hold on. Was that

25 not a term used by you all day today?

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1 MS. RENDON: Not used by me all

2 day today, Sal.

3 MR. BADALA: Did you use it at

4 least once?

5 MS. RENDON: I don't know.

6 MR. BADALA: Come on.

7 BY MR. BADALA:

8 Q. Do you believe -- I'm sorry.

9 When did you first learn --

10 MS. RENDON: Objection stands.

11 BY MR. BADALA:

12 Q. When did you first come to learn

13 there is an opioid epidemic in Cuyahoga

14 County?

15 MS. RENDON: Objection.

16 THE WITNESS: Am I allowed to

17 answer?

18 BY MR. BADALA:

19 Q. Yes.

20 A. There was -- it was declared an

21 opioid epidemic by the county. I also saw

22 the president declare an opioid epidemic. By

23 "president," I mean Trump.

24 Q. What year was that?

25 A. I don't know.

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1 Q. Was it in 2017?

2 A. I know it was -- I do not know the

3 exact date.

4 Q. Do you know if it was within the

5 last year?

6 MS. CHARLES: Objection, form.

7 THE WITNESS: I don't know.

8 BY MR. BADALA:

9 Q. Now, if you could turn to

10 Exhibit 16. Just let me know when you have

11 that document.

12 A. Okay.

13 Q. And do you recall being asked

14 questions about this document?

15 A. I do.

16 Q. Okay.

17 And specifically, this document

18 stated that there was a rise in candidates

19 with heroin and opioid diagnoses.

20 Do you see that?

21 A. Yes.

22 Q. At that time, when you received

23 this document in 2010, did you know that

24 there was an opioid epidemic in Cuyahoga

25 County?

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1 MS. CHARLES: Objection, form.

2 MS. RENDON: Objection.

3 THE WITNESS: I did not.

4 BY MR. BADALA:

5 Q. If you could turn to Exhibit 22.

6 A. Okay.

7 Q. Okay. And this was Cuyahoga

8 County's responses and objections to

9 Interrogatory 18.

10 Do you recall being asked

11 questions about this document?

12 A. I do.

13 Q. And Ms. Charles --

14 MR. BADALA: I'm sorry, is that

15 your last name?

16 MS. CHARLES: That is my name.

17 BY MR. BADALA:

18 Q. And Ms. Charles asked you if you

19 have knowledge about quantifying these

20 damages.

21 Do you recall that?

22 A. Yes.

23 Q. Now, that's not what the

24 interrogatory asks.

25 Are you a person with knowledge

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1 about such damages to the Cuyahoga County

2 Drug Court and Recovery Court?

3 MS. CHARLES: Objection, form.

4 THE WITNESS: Yes.

5 BY MR. BADALA:

6 Q. Tell me about those damages.

7 A. The court had to expand to assist

8 and treat additional clients. We've expanded

9 by adding two additional dockets. We've

10 expanded by adding additional treatment

11 funds. We've expanded by adding additional

12 drug testing.

13 We've expanded by adding

14 additional staff. That staff includes case

15 management, probation staff, drug testing,

16 treatment, whether it be residential, IOP or

17 non-IOP, bus tickets.

18 Medication-assisted treatment is

19 another huge one. We added an additional

20 docket to specifically deal with those of

21 opioid disorder. And if they would like to

22 participate in any forms of

23 medication-assisted treatment.

24 We developed the jail

25 medication-assisted treatment program to

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1 hopefully assist those individuals before

2 they go to treatment so that they can receive

3 medication-assisted treatment while they're

4 in the jail before they go into treatment.

5 Q. Is that all?

6 A. I'm sure I'm forgetting some,

7 but -- I guess I could go on and on.

8 Sober housing. I believe I didn't

9 touch on that again. Sober housing is

10 consistently used by both programs.

11 Q. What socioeconomic groups are

12 affected by the opioid epidemic in Cuyahoga

13 County?

14 MS. CHARLES: Objection, form.

15 THE WITNESS: All.

16 BY MR. BADALA:

17 Q. I'm sorry. You said "all"?

18 A. I said "all."

19 Q. Do you recall testifying earlier

20 that you were familiar with Ms. Rendon prior

21 to the deposition?

22 A. I do.

23 MS. CHARLES: Objection, misstates


24 prior testimony.

25 MS. RENDON: Objection as to

<p style="text-align: right;">Page 394</p> <p>1 relevance.</p> <p>2 BY MR. BADALA:</p> <p>3 Q. I'm sorry. Did I misstate your</p> <p>4 prior testimony?</p> <p>5 MS. RENDON: Mr. Badala, this has</p> <p>6 been an issue that has been discussed</p> <p>7 with counsel in letters. This is not an</p> <p>8 appropriate subject matter for this</p> <p>9 witness or any witness' deposition. So</p> <p>10 I object on that basis as well.</p> <p>11 MS. CHARLES: And it misstates the</p> <p>12 prior testimony.</p> <p>13 BY MR. BADALA:</p> <p>14 Q. Ms. Leckler, did I misstate your</p> <p>15 prior testimony?</p> <p>16 A. No.</p> <p>17 MS. CHARLES: I'm happy to tell</p> <p>18 you how.</p> <p>19 MR. BADALA: You're not testifying</p> <p>20 today.</p> <p>21 MS. CHARLES: Okay.</p> <p>22 BY MR. BADALA:</p> <p>23 Q. Where do you recall seeing</p> <p>24 Ms. Rendon's name prior to today?</p> <p>25 A. I've heard of Ms. Rendon's name in</p>	<p style="text-align: right;">Page 396</p> <p>1 THE WITNESS: I do.</p> <p>2 MR. BADALA: Okay. I have no</p> <p>3 further questions.</p> <p>4 MS. RENDON: I do.</p> <p>5 MR. BADALA: Well, you used your</p> <p>6 seven hours.</p> <p>7 MS. RENDON: No. Pursuant to the</p> <p>8 deposition protocol, we get a minute per</p> <p>9 minute on your recross.</p> <p>10 MR. BADALA: Can you show me that</p> <p>11 section?</p> <p>12 MS. RENDON: Sure.</p> <p>13 MR. BADALA: Can you just tell me</p> <p>14 how much time we spent on --</p> <p>15 THE VIDEOGRAPHER: Ten minutes.</p> <p>16 MR. BADALA: Ten minutes? Okay.</p> <p>17 I don't think it really addresses</p> <p>18 the seven hour. I'll allow it, but I'm</p> <p>19 just going to state my objection.</p> <p>20 MS. CHARLES: This has been</p> <p>21 happening in the depositions you've</p> <p>22 taken of our witnesses for weeks.</p> <p>23 MR. BADALA: So if I could just</p> <p>24 state my objection to counsel asking</p> <p>25 questions after already having seven</p>
<p style="text-align: right;">Page 395</p> <p>1 regards to the US Attorney's Task Force,</p> <p>2 opiate group.</p> <p>3 I've heard her name in discussions</p> <p>4 with -- that Judge Synenberg has stated when</p> <p>5 she describes the --</p> <p>6 MS. RENDON: Objection, move to</p> <p>7 strike. Irrelevant. Hearsay.</p> <p>8 MR. BADALA: I'm sorry, did you</p> <p>9 finish?</p> <p>10 MS. RENDON: Whatever</p> <p>11 Judge Synenberg had to say about me has</p> <p>12 nothing to do with this litigation,</p> <p>13 Mr. Badala.</p> <p>14 BY MR. BADALA:</p> <p>15 Q. Can you finish your answer?</p> <p>16 A. When Judge Synenberg is discussing</p> <p>17 the collaborations of the other committees</p> <p>18 that she is involved in, she has stated</p> <p>19 Carole Rendon's name in regards to the US</p> <p>20 Attorney's Opiate Task Force.</p> <p>21 Q. And the task force that you're</p> <p>22 referring to, the US Attorney's Task Force,</p> <p>23 do you know if any Cuyahoga County employees</p> <p>24 attended those meetings?</p> <p>25 MS. RENDON: Objection.</p>	<p style="text-align: right;">Page 397</p> <p>1 hours.</p> <p>2 ---</p> <p>3 RE-EXAMINATION</p> <p>4 BY MS. RENDON:</p> <p>5 Q. Ms. Leckler, can you get out</p> <p>6 Exhibit 13?</p> <p>7 A. Yes.</p> <p>8 MS. RENDON: I'm ready when you</p> <p>9 are.</p> <p>10 THE VIDEOGRAPHER: We're rolling.</p> <p>11 BY MS. RENDON:</p> <p>12 Q. Ms. Leckler, you were just asked</p> <p>13 some questions about Exhibit 13. And in</p> <p>14 particular, your counsel read into the record</p> <p>15 a sentence on page 8210.</p> <p>16 What does "heroin as an initiating</p> <p>17 opioid" mean to you?</p> <p>18 MR. BADALA: Just for the record,</p> <p>19 I didn't read it into the record.</p> <p>20 THE WITNESS: I don't know. I</p> <p>21 didn't -- I didn't write it.</p> <p>22 BY MS. RENDON:</p> <p>23 Q. So you don't know what it means</p> <p>24 that heroin is an initiating opioid?</p> <p>25 A. I don't absolutely know, no.</p>

<p style="text-align: right;">Page 398</p> <p>1 Q. Do you know that the word</p> <p>2 "initiating" means beginning or starting?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: I do.</p> <p>5 BY MS. RENDON:</p> <p>6 Q. Is heroin sometimes the first</p> <p>7 opioid that a drug user uses?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: According to this</p> <p>10 documentation, it is stating that.</p> <p>11 BY MS. RENDON:</p> <p>12 Q. You indicated that there was a</p> <p>13 time when an opioid epidemic was declared; is</p> <p>14 that correct?</p> <p>15 A. That is correct.</p> <p>16 Q. And, Ms. Leckler, is that when the</p> <p>17 opioid epidemic began in Cuyahoga County?</p> <p>18 A. I do not know.</p> <p>19 Q. So you have no idea when the</p> <p>20 opioid epidemic started?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I do not know.</p> <p>23 BY MS. RENDON:</p> <p>24 Q. Do you have any idea when the</p> <p>25 opioid epidemic started?</p>	<p style="text-align: right;">Page 400</p> <p>1 opioid epidemic in Cuyahoga County?</p> <p>2 MR. BADALA: You can finish your</p> <p>3 answer.</p> <p>4 THE WITNESS: Okay. I'm sorry. I</p> <p>5 thought I was.</p> <p>6 MR. BADALA: Yes.</p> <p>7 BY MS. RENDON:</p> <p>8 Q. Putting aside all of the costs,</p> <p>9 which we've talked about endlessly. I'm not</p> <p>10 asking you the cost. I'm asking you what is</p> <p>11 your definition of the opioid epidemic in</p> <p>12 Cuyahoga County? What is it?</p> <p>13 MR. BADALA: Objection, asked and</p> <p>14 answered. And counsel has cut off the</p> <p>15 witness, even though she is responding</p> <p>16 to the question.</p> <p>17 THE WITNESS: Yes. So the opioid</p> <p>18 epidemic was declared as a result of the</p> <p>19 ongoing increasingly accidental</p> <p>20 overdoses that occurred here in Cuyahoga</p> <p>21 County.</p> <p>22 It is an epidemic because of the</p> <p>23 effects that it has caused to the staff,</p> <p>24 myself included, that work with this,</p> <p>25 like I said before, the EMT, the ER -- I</p>
<p style="text-align: right;">Page 399</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: I know when it was</p> <p>3 declared an opioid epidemic by the</p> <p>4 County and by the president.</p> <p>5 BY MS. RENDON:</p> <p>6 Q. But you don't know if that was</p> <p>7 actually the beginning date, correct?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: I do not.</p> <p>10 BY MS. RENDON:</p> <p>11 Q. What is the opioid epidemic in</p> <p>12 Cuyahoga County?</p> <p>13 A. What is the opioid epidemic in</p> <p>14 Cuyahoga County? The opioid epidemic in</p> <p>15 Cuyahoga County is referring to the overdoses</p> <p>16 that are occurring in Cuyahoga County, the</p> <p>17 interaction by the EMS and EMT dealing with</p> <p>18 the opioid epidemic, the effect that it has</p> <p>19 caused to the Drug Court program.</p> <p>20 That effect has caused us to look</p> <p>21 to expand the program by adding additional</p> <p>22 dockets, additional --</p> <p>23 Q. I'm not asking the effect of the</p> <p>24 opioid epidemic. I asked you to tell me --</p> <p>25 to define the opioid epidemic. What is the</p>	<p style="text-align: right;">Page 401</p> <p>1 could go on and on and on, the secondary</p> <p>2 trauma that it has caused to both our</p> <p>3 staff and to the EMT.</p> <p>4 BY MS. RENDON:</p> <p>5 Q. And by "opioid," we mean all types</p> <p>6 of opioids, illegal drugs, legal</p> <p>7 prescriptions, and prescription drugs that</p> <p>8 are purchased illegally, correct?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: Yes. As we stated</p> <p>11 many times before, that is what we are</p> <p>12 including.</p> <p>13 BY MS. RENDON:</p> <p>14 Q. It's an opioid epidemic, not an</p> <p>15 opiate epidemic, correct?</p> <p>16 A. Yes. That is correct.</p> <p>17 Q. And, Ms. Leckler, although I think</p> <p>18 all of these questions are completely</p> <p>19 irrelevant, have we ever met before?</p> <p>20 A. No. I've heard your name at</p> <p>21 numerous occasions.</p> <p>22 Q. Have we ever attended a meeting</p> <p>23 together?</p> <p>24 A. We may have. You look familiar.</p> <p>25 Q. Do you have any idea how many</p>

<p style="text-align: right;">Page 402</p> <p>1 people attended the US Attorney's Heroin and</p> <p>2 Opiate Task Force?</p> <p>3 A. I do not. I was able to see some</p> <p>4 of the footage of the meeting on a feed at</p> <p>5 one time.</p> <p>6 Q. But you have no idea how many</p> <p>7 people were there?</p> <p>8 A. I couldn't. I could only see part</p> <p>9 of the table.</p> <p>10 Q. Are you aware of any unique</p> <p>11 knowledge that I have with respect to</p> <p>12 anything having to do with this litigation?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: I know that you have</p> <p>15 spoken with my bosses.</p> <p>16 BY MS. RENDON:</p> <p>17 Q. Do you have any idea what I talked</p> <p>18 to them about?</p> <p>19 A. I do not.</p> <p>20 Q. Were you present for any of those</p> <p>21 conversations?</p> <p>22 A. I was not.</p> <p>23 MS. RENDON: Thank you. We're off</p> <p>24 the record.</p> <p>25 MR. BADALA: We can stay on the</p>	<p style="text-align: right;">Page 404</p> <p>1 (Time noted: 7:36 p.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 403</p> <p>1 record for a second.</p> <p>2 I know Ms. Rendon had an objection</p> <p>3 that it wasn't relevant. Obviously, her</p> <p>4 follow-up does show that it is relevant</p> <p>5 to this litigation.</p> <p>6 MS. RENDON: It is not relevant.</p> <p>7 I made it clear that it was not</p> <p>8 relevant. I wanted to get your client's</p> <p>9 information with respect to that, Mr.</p> <p>10 Badala.</p> <p>11 That is why these matters are</p> <p>12 supposed to be handled by counsel</p> <p>13 through letters and conversations. I</p> <p>14 have an open dialogue about it, and it's</p> <p>15 not a matter that is supposed to be on</p> <p>16 the record.</p> <p>17 MR. BADALA: So if you could just</p> <p>18 let me finish before being cut off.</p> <p>19 Obviously, it has become relevant due to</p> <p>20 the follow-up that was done by</p> <p>21 Ms. Rendon.</p> <p>22 MS. RENDON: I disagree. Off the</p> <p>23 record.</p> <p>24 THE VIDEOGRAPHER: We're off the</p> <p>25 record, 7:36.</p>	<p style="text-align: right;">Page 405</p> <p>1</p> <p>2 Whereupon, counsel was requested to give</p> <p>3 instruction regarding the witness's review of</p> <p>4 the transcript pursuant to the Civil Rules.</p> <p>5</p> <p>6</p> <p>7 SIGNATURE:</p> <p>8 Transcript review was requested pursuant</p> <p>9 to the applicable Rules of Civil Procedure.</p> <p>10</p> <p>11</p> <p>12 TRANSCRIPT DELIVERY:</p> <p>13 Counsel was requested to give instruction</p> <p>14 regarding delivery date of transcript.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 406</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>I, ANNE E. VOSBURGH, Certified Shorthand Reporter, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public, hereby certify:</p> <p>That MOLLY LECKLER was duly sworn by me, an authorized Notary Public, and that this deposition is a true and correct record of the testimony given by such witness to the best of my knowledge and ability.</p> <p>I further certify that I am not related to any of the parties to this action and that I am in no way interested in the outcome of this matter.</p> <p>In witness whereof, I have hereunto set my hand this day, November 26, 2018.</p> <p></p> <p>Anne E. Vosburgh, CSR-6804, RPR, CRR</p>	<p style="text-align: right;">Page 408</p> <p style="text-align: center;">DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>ASSIGNMENT REFERENCE NO: 3113667 CASE NAME: In Re: National Prescription Opiate Litigation v. DATE OF DEPOSITION: 11/19/2018 WITNESS' NAME: Molly Leckler</p> <p>In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.</p> <p>I have made no changes to the testimony as transcribed by the court reporter.</p> <p>Date <u>Molly Leckler</u> Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:</p> <p>They have read the transcript; They signed the foregoing Sworn Statement; and Their execution of this Statement is of their free act and deed.</p> <p>I have affixed my name and official seal this _____ day of _____, 20____.</p> <p>_____ Notary Public</p> <p>_____ Commission Expiration Date</p>
<p style="text-align: right;">Page 407</p> <p>Veritext Legal Solutions 1100 Superior Ave Suite 1820 Cleveland, Ohio 44114 Phone: 216-523-1313</p> <p>November 26, 2018</p> <p>To: Salvatore C. Badala</p> <p>Case Name: In Re: National Prescription Opiate Litigation v.</p> <p>Veritext Reference Number: 3113667</p> <p>Witness: Molly Leckler Deposition Date: 11/19/2018</p> <p>Dear Sir/Madam:</p> <p>The deposition transcript taken in the above-referenced matter, with the reading and signing having not been expressly waived, has been completed and is available for review and signature. Please call our office to make arrangements for a convenient location to accomplish this or if you prefer a certified transcript can be purchased.</p> <p>If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.</p> <p>Sincerely, Production Department</p> <p>NO NOTARY REQUIRED IN CA</p>	<p style="text-align: right;">Page 409</p> <p style="text-align: center;">DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>ASSIGNMENT REFERENCE NO: 3113667 CASE NAME: In Re: National Prescription Opiate Litigation v. DATE OF DEPOSITION: 11/19/2018 WITNESS' NAME: Molly Leckler</p> <p>In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.</p> <p>I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).</p> <p>I request that these changes be entered as part of the record of my testimony.</p> <p>I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.</p> <p>Date <u>Molly Leckler</u> Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:</p> <p>They have read the transcript; They have listed all of their corrections in the appended Errata Sheet; They signed the foregoing Sworn Statement; and Their execution of this Statement is of their free act and deed.</p> <p>I have affixed my name and official seal this _____ day of _____, 20____.</p> <p>_____ Notary Public</p> <p>_____ Commission Expiration Date</p>

<p style="text-align: right;">Page 410</p> <p>1 ERRATA SHEET 2 VERITEXT LEGAL SOLUTIONS MIDWEST 3 ASSIGNMENT NO: 11/19/2018 4 PAGE/LINE(S) / CHANGE /REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 Date Molly Leckler 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 22 DAY OF _____, 20_____. 23 _____ 24 Notary Public 25 _____ Commission Expiration Date</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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